



DEPARTMENT OF THE NAVY
SPACE AND NAVAL WARFARE SYSTEMS COMMAND
WASHINGTON, D.C. 20363-5100

IN REPLY REFER TO:

SPAWARINST 5355.1
SPAWAR 08-71A4
8 May 1990

SPAWAR INSTRUCTION 5355.1

From: Commander, Space and Naval Warfare Systems Command

Subj: DEPARTMENT OF THE NAVY DRUG-FREE WORKPLACE PROGRAM (DFWP)

Encl: (1) OPNAVINST 5355.4
(2) Certification Form

1. Purpose. To prescribe procedures necessary to implement the requirements of enclosure (1) within the Space and Naval Warfare Systems Command (SPAWAR) headquarters and its activities.

2. Background. The basic requirements for a Federal drug-free workplace were established by Executive Order 12564 and Public Law 100-71. Within the Chief of Naval Operations claimancy, the DFWP will be standardized to the greatest extent possible. The SPAWAR headquarters and its activities will implement this program in strict adherence to the procedures in enclosure (1) and all other applicable laws, regulations, and any court decisions. Exceptions to these standardized procedures must be requested and approved in advance, through the chain of command, to the Chief of Naval Operations (OP-14). This instruction identifies those requirements which must be/may be determined at the command/headquarters level.

3. Policy. The Commander, Space and Naval Warfare Systems Command (COMSPAWAR) fully supports the policy of the Secretary of the Navy and the Chief of Naval Operations to establish a workplace which is safe and free from the illegal use of drugs. The achievement of this goal requires that the SPAWAR headquarters and its activities have a zero tolerance for illegal drug usage, both on and off-duty, and at the same time, provide a helping hand for those employees who are currently using drugs illegally.

4. Responsibilities. The following responsibility is assigned in addition to those in paragraph 6 of enclosure (1):

Office of Counsel. The Office of Counsel will provide advice and guidance, through the Drug Program Coordinator (DPC), to supervisors and managers as necessary. Advice of counsel is encouraged in order to protect the rights of individual employees as well as to carry out the program in accordance with all applicable laws, regulations, procedures, and evolving case law.

5. Requirements

a. Command-wide:

(1) Authorized types of testing are random testing of occupants of Testing Designated Positions (TDPs) and of any persons who volunteer to be

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tested; follow-up testing of those persons who are undergoing or have completed drug treatment or rehabilitation; reasonable suspicion testing; and testing of tentative selectees for TDPs. Post-accident testing is not authorized at this time.

(2) Activity DPCs will ensure that mandatory supervisory training is provided to all military members who supervise civilian employees as well as to all civilian supervisors.

b. SPAWAR Headquarters

(1) Employees not otherwise identified as subject to testing under this program may volunteer to be included in the random testing pool by submitting a written request to the Drug Program Coordinator (DPC). The written request and acknowledgement forms are provided at Appendix G of enclosure (1) to enclosure (1).

(2) If an employee is suspected of illegal use of drugs, the immediate supervisor or second-level supervisor will gather all information leading to and supporting this suspicion. Supervisor will consult with the DPC and counsel to determine if the circumstances warrant testing for reasonable suspicion. If so, the supervisor/manager will request reasonable suspicion testing to the DPC with approval by the appropriate Program Director, Directorate Head, Assistant or Deputy Commander, or, for staff offices by the Vice Commander, using the procedures prescribed in Chapter IV of enclosure (1) to enclosure (1).

(3) An individual, including a current employee, who is tentatively selected for a position identified as a Testing Designated Position (TDP) and who tests positive for illegal drugs will be barred from placement consideration for any kind of position at any CNO command or activity for a period of 6 months from the date of the positive drug test. Records of positive results will be maintained by the CNO DPC and the servicing personnel office will be required to obtain a clearance prior to making a final offer of employment.

(4) The DPC is authorized to approve up to one hour of overtime pay to complete collection procedures for an employee who experiences difficulty in providing a sample and up to four hours of overtime pay to complete collection procedures in the case of a reasonable suspicion test.

6. Action

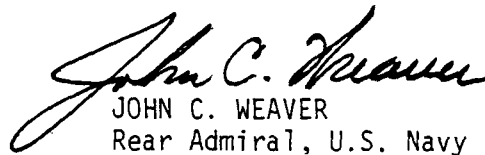
a. Commander, Space and Naval Warfare Systems Command. Will authorize the headquarters and its activities to commence drug testing upon certification that all preimplementation actions have been completed.

b. SPAWAR Activity Commanding Officers/Commanders. Will carry out the responsibilities assigned in enclosure (1) and this instruction and will certify to the Commander, Space and Naval Warfare Systems Command that all preimplementation actions have been completed prior to conducting any drug tests. Enclosure (2) will be used for certification.

c. All others will carry out responsibilities assigned by enclosure (1) and this instruction, effective immediately.

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JOHN C. WEAVER
Rear Admiral, U.S. Navy



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO
OPNAVINST 5355.4
OP-14

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OPNAV INSTRUCTION 5355.4

From: Chief of Naval Operations

Subj: DEPARTMENT OF THE NAVY DRUG-FREE WORKPLACE PROGRAM (DFWP)

Ref: (a) SECNAVINST 12792.3
(b) CPI 792-3
(c) CPI 792
(d) CPI 752
(e) OPNAVINST 5510.1H
(f) OPNAVINST 5102.1C

Encl: (1) Department of the Navy Drug-Free Workplace Program
Chief of Naval Operations Standard Program

1. Purpose. To implement the policy and procedures of references (a) through (f) within those commands and activities under the command of the Chief of Naval Operations (CNO) as they apply to the DON DFWP.

2. Policy

a. The Chief of Naval Operations strongly supports the policy of the Secretary of the Navy to provide a workplace free from illegal drug use and solicits the support of all personnel within the CNO community to achieve this goal. Illegal drug use is incompatible with the maintenance of the Navy's readiness, safety of its employees, and the reliable accomplishment of its mission on behalf of the nation. The goal of achieving a drug-free workplace within the Department of the Navy (DON), given its national defense responsibilities, is a compelling one. It is essential, therefore, that the implementation of the DON's DFWP occurs as quickly as possible, but in a manner which is fully consistent with our obligation under all applicable laws and regulations, including the Federal Service Labor-Management Relations Statute.

b. A critical element in the success of this program is ensuring that commands and activities use a standard approach in the implementation of all aspects of the program whenever this is feasible. Unless a written exception is obtained, the provisions of this instruction will be followed by all CNO commands and activities.

3. Program Components. The DFWP is a comprehensive program balanced between offering a helping hand to employees who are using drugs illegally and at the same time, making clear that illegal drug use will not be tolerated. To accomplish these goals, the DON DFWP includes the following components:



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a. A strong Civilian Employee Assistance Program (CEAP) emphasizing employee education, counseling and referral to rehabilitation, as described in reference (c).

b. Mandatory supervisory training to assist in identifying and addressing illegal drug use, as provided for in reference (b);

c. A safe harbor for any employee who voluntarily admits his or her drug use; completes counseling or rehabilitation through CEAP; agrees to follow-up testing; agrees to the release to appropriate management and CEAP officials of all counseling and rehabilitation records related to his/her illegal use of drugs; and thereafter refrains from illegal drug use; and

d. Identification of illegal drug users including carefully controlled and monitored testing with maximum respect for individual confidentiality consistent with safety and security.

4. **Applicability.** This instruction applies to all appropriated fund civilian employees and applicants tentatively selected for appropriated fund positions subject to a drug testing requirement in commands and activities under the command of the Chief of Naval Operations. Foreign national and nonappropriated fund employees are not covered by this instruction without separate written authorization for such coverage.

5. **Definitions.** Definitions are provided in reference (b).

6. **Responsibilities**

a. **The Chief of Naval Operations (OP-14) will:**

(1) Provide policy, procedures and CNO standardized program management for the CNO commands and activities to ensure uniformity, consistency and compliance with all governing laws and regulations in the implementation of the DFWP. This responsibility will be carried out by the Director, Civilian Personnel Programs Division (OP-14) through the appointment of a Drug Program Coordinator (DPC) in the Naval Civilian Personnel Center.

(2) Ensure that Navy Drug Screening Laboratories (NDSLs) test all civilian samples under forensic conditions and follow the requirements established by the Department of Health and Human Services (DHHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs.

(3) Notify the Department of the Navy DPC of any changes to the mailing address of the NDSLs or the designated laboratory for processing as required in reference (b).

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(4) Approve any requests for exceptions or deviations from the standardized CNO program.

b. The CNO DPC will:

(1) Implement policy, procedures and centralized program management for CNO commands/activities.

(2) Ensure all training requirements are met.

(3) Forward to the Director, Office of Civilian Personnel Management (OFFCPM), the changes requested by activities and commands to the Department of the Navy list of Testing Designated Positions (TDPs), with recommended action (See Chapter III, Enclosure (1)).

(4) Oversee activity/command use of specimen quotas and make adjustments as required.

(5) Ensure that Blind Performance Test Specimens are submitted as required by reference (b).

(6) Manage the CNO centralized urine collection contract.

(7) Act as point of contact for the CNO centralized Medical Review Officer services agreement.

(8) Ensure enforcement of a 6-month employment bar for all applicants who test positive for drug use.

(9) Provide overall DFWP program evaluation of echelon 2 commands.

c. CNO (OP-09B) and Heads of echelon 2 Commands will:

(1) As required, provide command-wide policy, procedures, and guidance in all aspects of DFWP management. If a command instruction is issued, provide a copy to the CNO DPC within 30 days.

(2) Appoint a command-wide DPC.

(3) Review and forward to OFFCPM, via the CNO, all requests for changes to the Navy-wide list of TDPs.

(4) Maintain command-wide listing of activity DPCs.

(5) Certify to the CNO, prior to the initiation of testing, that all preimplementation requirements have been met.

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(6) Provide assistance as required in enforcing a 6 month employment bar for all applicants who test positive for drug use.

(7) Provide oversight and evaluation of DFWP program administration.

(8) Provide necessary resources to meet established requirements.

d. Activity Heads/Commanders. The activity head/commander will:

(1) Ensure that the DFWP policies are fully implemented and procedures are strictly followed.

(2) Appoint in writing an activity DPC and alternate, if appropriate, to direct, administer, and manage the DFWP. This individual should be a responsible management official who has the ability to administer a complex program and represent the activity in third party proceedings and who will have direct access to the activity head/commander. This person cannot be associated with the administration of the CEAP. Furthermore, to minimize the potential for conflict of interest, the DPC should not be an employee located in the security office or an employee relations/labor relations specialist who is involved on a day-to-day basis with the processing of discipline/performance cases. Every activity/command must appoint a DPC regardless of whether it has any Testing Designated Positions (TDPs). This function may not be obtained through a contract; however, it is permissible to appoint another activity/command's DPC through mutual written agreement to perform these functions on behalf of the activity/command (see Appendix A to Enclosure (1) for sample DPC servicing agreement).

(3) Ensure that Collection Site Coordinators (CSCs) are appointed, if necessary. These services will normally be provided by a contractor. Where this is not feasible, as approved by OP-14, a Department of the Navy civilian employee may be appointed. In exceptional cases, with approval by the Deputy Chief of Naval Operations (Manpower, Personnel and Training), OP-01, military members may be used to perform this assignment.

(4) Ensure that all mandatory training is provided, including training of the DPC.

(5) Ensure that a copy of the General Notice included in reference (b) is distributed to all new hires along with a copy of the CNO notice regarding application for safe harbor (see Appendix C to Enclosure (1)).

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(6) Ensure that the provisions of the DFWP, including drug awareness, the hazards of illegal drug use, the CEAP, and safe harbor are publicized to all employees.

(7) Ensure that activity/command positions are reviewed to determine which positions match the series, titles, description of duties and justifications on the Department of the Navy-wide TDP list (Appendix E, reference (b)). These positions will then form the activity/command pool of TDPs.

(8) Request, via the appropriate chain of command, that the Director, OFFCPM make additions and/or deletions to the Department of the Navy-wide TDP list (see Chapter III, Enclosure (1)).

(9) Sign (or use facsimile) and ensure distribution of an individual notice to each employee whose position has been determined to meet the criteria of a TDP at least 30 days before the individual is subject to unannounced random testing. This notice is provided in reference (b) and must be issued without revision.

(10) Upon request, review the TDP determination for the position of any nonbargaining unit employee.

(11) Ensure that all specimen collections are conducted strictly adhering to the provisions of this instruction, the CPI, and DHHS guidelines.

(12) Authorize each random sampling conducted by the activity/command. This authority may be redelegated to the DPC.

(13) Ensure that during each fiscal year, the number of tests conducted under all categories of testing represent a total equal to approximately 50 percent of the number of TDP positions at the activity. This total should be allocated by quarter so that, for the fiscal year, variations from the target number are insignificant.

(14) Establish criteria for requiring accident or unsafe practice testing as well as testing for reasonable suspicion. The classification of mishaps described in reference (f) should be used as a guide in determining the types or severity levels of mishaps that may be included in the drug testing program. The approval level for either type of testing may be redelegated to no lower than one level above the supervisor or manager requesting the test.

(15) Ensure that an employee in a sensitive position found to use drugs illegally is immediately taken out of his or her

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position. The employee may be returned to his or her position as part of a counseling or rehabilitation program if the activity head/commander determines that such action will not endanger public health, safety or national security. This authority to reinstate the employee to the sensitive position may not be redelegated. Employees in non-sensitive positions found to use drugs illegally may be retained in their positions or detailed to another position as part of a counseling or rehabilitation program. Failure to complete counseling or rehabilitation will result in adverse action which may include removal.

(16) Ensure that necessary disciplinary action is taken following the provisions of references (b), (d) and this instruction.

(17) Notify the activity head or commander of another Naval activity/command that his or her employee had a verified positive drug test as determined under applicant testing.

(18) Ensure that the activity/command's bargaining obligations with exclusively recognized labor organizations, as required by 5 U.S.C., Chapter 71, are satisfied.

e. Drug Program Coordinator. The DPC will:

(1) Direct, administer and manage the DFWP within the activity/command.

(2) Administer an employee education program on use of illegal drugs. Ensure that mandatory training is provided to supervisors/managers and activity/command collection team members.

(3) Establish and maintain a list identifying each position/occupant in the TDP pool.

(4) Manage the issuance of all 30-day individual notices to occupants of TDPs and retain documentation verifying receipt of each notice.

(5) Arrange each specimen collection from the pool of employees in TDPs and volunteers per random selection collection procedures and coordinate all other types of testing (i.e., reasonable suspicion, accident/unsafe practice, applicant and follow-up), including the chain of custody and control of the urine specimen.

(6) Authorize deferrals of random and follow-up testing.

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(7) Receive and maintain confidential records of all drug test results from the Medical Review Officer (MRO) on behalf of the activity head/commander. Ensure that drug test results are transmitted/released only to those authorized to receive them and that such transmissions are made in a manner to ensure their integrity and confidentiality.

(8) Ensure that each tested employee is notified in writing of his or her negative drug test result.

(9) Notify the CEAP Administrator and the appropriate supervisor or manager in the event of an employee's verified positive drug test result.

(10) Recommend appropriate disciplinary action to the supervisor or manager of each employee with a verified positive test result in accordance with established regulations/negotiated agreements regarding such action. As required, obtain advice from the Civilian Personnel Office (CPO).

(11) Report to the activity security officer any verified positive test result, or request for safe harbor, of an employee possessing a current security clearance, per reference (e). While not specifically listed as an authorized recipient of this information in PL 100-71, Section 503, the release of verified positive test results to security personnel is not prohibited since such personnel can be held to be officials of the agency having authority to take "adverse personnel action" against such employees within the meaning of the law (in this case, the revocation of a security clearance).

(12) Notify NDSLs if positive specimens are to be retained beyond the normal period of one year.

(13) Arrange for applicant tests and inform the CPO of verified positive test results of tentative selectees for TDPs.

(14) Prepare and maintain all documentation and reports on the DFWP required by reference (b) (summarized in Chapter I, Enclosure (1)).

f. Collection Site Coordinators and Observers. To assist the DPC, a Collection Site Coordinator and observers may be appointed to conduct all collection activities at the collection site. These services will normally be provided, however, through a contract.

g. CEAP Administrator will implement and operate the CEAP as prescribed in reference (c).

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h. **CEAP Counselors** will meet all program responsibilities as detailed in reference (c).

i. **Security Officer**. The security officer will carry out requirements regarding access to top secret information or performance of sensitive duties in accordance with reference (e). As required, the security officer will notify the DPC of changes in the status of position or individuals which affect their inclusion in the TDP pool.

j. **Medical Review Official**. The MRO for the CNO standardized program is the Director, Division of Federal Occupational and Beneficiary Health Services (DFOBHS), Public Health Service. As such, the MRO will:

- (1) Receive all drug testing results from the NDSLs.
- (2) Ensure that an individual who has tested positive is afforded an opportunity to offer alternate medical justification for the test result per established guidelines.
- (3) Immediately report all verified drug test results to the CNO DPC.
- (4) Coordinate with and report to the CNO DPC on all drug testing functions and findings on a regular basis.

k. **Supervisor**. Supervisors will:

- (1) Notify individual employees of a scheduled drug test.
- (2) Request deferral of an employee's random or follow-up drug test from the DPC, following procedures in Chapter IV, Enclosure (1).
- (3) Initiate a reasonable suspicion test, following locally established criteria/procedures.
- (4) Initiate an accident/unsafe practice test, following locally established criteria/procedures.
- (5) Upon being notified of a finding of the illegal use of drugs:
 - (a) Refer employee to the CEAP for assistance in obtaining counseling and rehabilitation.
 - (b) Follow-up with CEAP to ensure employee's participation and completion of treatment and rehabilitation.

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(c) Coordinate with civilian personnel and security offices to determine appropriate action.

(6) Initiate any appropriate administrative and disciplinary action in connection with the administration of the DFWP.

(7) Not select for any position an applicant who has had a verified positive test result within the last 6 months.

1. Employees. Employees will:

(1) Refrain from the illegal use of drugs on or off-duty at all times.

(2) Provide a urine sample when required.

(3) Be responsible for successful completion of any rehabilitation or treatment required as the result of illegal use of drugs.

m. Civilian Personnel Director (CPD). The CPD will:

(1) Provide advice, guidance and training on the DFWP, as required.

(2) Ensure that all forms of advertisement for vacant TDPs include notice that the position is subject to drug testing.

(3) Ensure, prior to making a final offer of employment or processing any type of placement action for a TDP, that a required drug test has been conducted and the results are negative.

(4) Actively maintain a 6 month file of written notices from the DPC(s) of verified positive test results of applicants. Ensure that any applicant who receives such a result is not considered for employment or other placement action for 6 months after the date the MRO verifies the positive result.

(5) Enter the appropriate DFWP data in the Naval Civilian Personnel Data System (NCPDS) as required by reference (b).

(6) Notify the DPC of personnel or position actions affecting incumbents of TDPs.

(7) Issue a copy of the General Notice signed by the Secretary of the Navy to all new employees along with a copy of the CNO notice regarding application for safe harbor (see Appendix C to Enclosure (1)).

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(8) Notify DPC if positive specimens need to be retained by NDSL longer than the normal 1-year period, e.g., because of an adverse action appeal or enforcement of a rehabilitation plan or agreement.

7. Action

a. Heads of echelon 2 Commands. Ensure that activities/commands have met all requirements prior to commencement of drug testing.

b. Activity Heads/Commanders. Activity heads/commanders may commence drug testing only after:

(1) All mandatory training requirements stated in reference (b) have been met.

(2) The activity/command TDP pool has been established per Chapter III, Enclosure (1).

(3) The required individual notices have been issued to TDP occupants.

(4) Collective bargaining obligations have been satisfied for activity/command bargaining units in which testing is to be implemented. Partial or staggered implementation of testing at a facility with multiple units may be permitted if such is essential to avoid undue delay in the initiation of the program at the facility. In such cases, however, there can be no implementation in units in which negotiations are still ongoing. Navy facilities and commands should promptly notify the labor organizations with whom they have a collective bargaining obligation of the implementation of this program. If bargaining is requested, the activity should promptly initiate such bargaining and thereafter press the negotiation process forward to final agreement between the activity and the union. It is important that the DON's DFWP be implemented on a timely basis. Employee morale may be affected if similarly situated employees at one activity are being tested for substance abuse while those at another activity are not. All activities, therefore, should seek to initiate and complete labor negotiations within 90 days of the issuance of this instruction.

(5) The local activity/command instruction has been issued.

8. Reports. The reports required by paragraph 6j(3) and enclosure (1) are exempt from reports control by SECNAVINST 5214.2B.

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9. **Form.** OCPM 12792/2 may be reproduced from Attachment 5 to Appendix D, reference (b).



J. M. BOORDA

**Deputy Chief of Naval Operations
(Manpower, Personnel and Training)**

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DEPARTMENT OF THE NAVY DRUG-FREE WORKPLACE PROGRAM
CHIEF OF NAVAL OPERATIONS STANDARD PROGRAM

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CHAPTER I. PRE-IMPLEMENTATION ACTIONS**SECTION A. Command/activity Actions**

1. Regardless of whether an activity has any identified testing designated positions (TDPs), certain steps must be taken by the activity head and certified complete to the next higher level in the chain of command in order for the DON DFWP to be fully implemented. These steps include:

a. Appoint an activity Drug Program Coordinator (DPC) as required by paragraph 6d(2) of this instruction and delegate to the DPC any appropriate authorities, outlined in paragraph 6d (e.g., authority to authorize random samplings if appropriate under paragraph 6d(12)). In the event that another activity/command's DPC is appointed to perform this function, a delegation agreement similar to that provided as Appendix A should be used.

b. Notify unions, if any, of proposed implementation of the activity's DFWP and ensure that the activity/command's bargaining obligations with all exclusively recognized labor organizations are satisfied.

c. Ensure that the DPC receives required training as outlined in Section C, below.

d. Ensure that all new hires (including those since 6 August 1988) receive a copy of the 60-day General Notice provided in reference (b) along with a copy of the CNO notice regarding application for safe harbor (see Appendix C).

e. Ensure that supervisors and managers receive required training as outlined in Section C, below.

f. Ensure the establishment of a program to publicize to all employees the provisions of the DFWP, including drug awareness, the hazards of illegal drug use, the Civilian Employee Assistance Program (CEAP), and safe harbor.

g. Ensure that CEAP personnel receive necessary DFWP training as outlined in Section C, below.

h. Review activity positions in accordance with Chapter IV and determine which positions will comprise the activity TDP pool. The determination that the duties meet the criteria for designation as a TDP is subject to review, if requested by the employee, so appropriate certification as to how the determination was made and by whom must be retained by the DPC.

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- i. Prepare and distribute individual 30-day notices.
- j. Determine the method to be used to make random sampling selections for testing.
- k. Complete the activity instruction on the DFWP, to include the minimum requirements listed in Section B, below.
- l. Set up a secure recordkeeping and reports system, to include all requirements identified in Section D, below.

SECTION B. Activity Instruction - Minimum Requirements

In accordance with the intent of the Chief of Naval Operations to administer a DFWP which contains as many standard elements as possible, activities are asked to limit activity instructions and procedures to the minimum required to implement the program. The preferred method is to prepare a short cover memorandum which incorporates the minimum requirements and to attach a copy of this instruction to it. A sample cover memorandum is at Appendix B. Minimum requirements include:

1. A statement advising employees how to volunteer for the random testing program.
2. A statement as to what levels of management at the activity are authorized to request and to approve reasonable suspicion and accident or unsafe practice testing.
3. A statement as to what criteria will be used in determining whether accident or unsafe practice testing is required.
4. A statement that any applicant, including a current employee, will be barred from placement in another position by any means for 6 months following a positive drug test.
5. A statement as to what conditions, if any, will result in authorization of overtime or compensatory time to complete urine collection procedures.

SECTION C. Training and Education Requirements

1. **Supervisory training.** Training to assist supervisors and managers in recognizing and addressing the illegal use of drugs by agency employees is mandatory. A special course has been developed by the Office of Civilian Personnel Management (OFFCPM) for use by activities and is available from OFFCPM Regional Offices through a train-the-trainer package. This required training material may be incorporated into the ongoing supervisory training program required of individuals within the first 6

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months of assuming supervisory duties. Reference (b) identifies certain minimum requirements which must be incorporated into local supervisory training programs.

2. Program administration training. OFFCPM has developed a mandatory course for DPCs which will be delivered by OFFCPM Regional Offices. The course includes a component on administering the collection of urine samples.

3. Employee education. The activity/command will offer drug education to all personnel. This may be accomplished through such means as the distribution of written materials, videotapes, lunchtime employee forums or employee drug awareness days.

4. Contract administration training. The CNO DPC will provide training on the use of the CNO urine collection contract.

SECTION D. Records and Reports

1. General

a. All personnel involved in any phase of the drug testing program must maintain the confidentiality of information pertaining to individuals. The Privacy Act, 5 U.S.C. 552a, addresses the disclosure of information from medical or other records maintained by an agency. Any personal information obtained from an individual, from the results of a drug test, or from a government or private health care facility concerning an employee's illegal drug use or other medical matter, must be held in the strictest confidence except for official purposes as cited by Executive Order 12564 (E.O. 12564) and Public Law 100-71 (P.L. 100-71).

b. Records must be marked "For Official Use Only", and stored in a secure device. Any automated records will be maintained in such a manner as to preclude unauthorized access. The use of removable, securable data storage systems is preferable. Records will be retained at the activity for a period of 2 years.

c. The Department of the Navy will maintain the records of its DFWP consistent with its Privacy Act System of Records and with all applicable federal laws, rules and regulations regarding confidentiality of records including the Privacy Act, 5 U.S.C. 552a, et seq. If necessary, records may be maintained as required by subsequent administrative or judicial proceedings, or at the discretion of the Secretary of the Navy.

d. Drug Abuse Control Records: Transfer to National Personnel Records Center (NPRC) Civilian Personnel Records (CPR),

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9700 Page Boulevard, St. Louis, Missouri 63132, when 2 years old.
NPRC destroy when 75 years old.

e. Navy Drug Laboratories: Retain onboard for 5 years.
Transfer to NPRC. NPRC destroy when 75 years old.

f. Any employee (including any federal employee applicant) who is the subject of a drug test will, upon written request to the DPC, have access to any records relating to:

(1) Such employee's drug test; and

(2) The results of any relevant laboratory certification, review or revocation of certification proceedings, as referred to in Section 503 of P.L. 100-71. Except as authorized by law, an applicant who is not a federal employee will not be entitled to this information.

2. **Reports.** The DPC will collect and compile anonymous statistical data for reporting the number of:

a. Random tests, reasonable suspicion tests, accident or unsafe practice tests, follow-up tests, voluntary tests, or applicant tests administered.

b. Employees tested.

c. Employees with verified positive test results.

d. Applicants tested.

e. Applicants with verified positive test results.

f. Voluntary drug counseling referrals.

g. Involuntary drug counseling referrals.

h. Disciplinary actions, terminations, employee applicant nonselection, or denials of employment offers from a verified positive drug test result.

i. Disciplinary actions, terminations, or denials of employment offers resulting from refusal to submit to testing.

j. Disciplinary actions, terminations, or denials of employment offers resulting from alteration of specimens.

k. Disciplinary actions, terminations, or denials of employment offers resulting from failure to complete a drug abuse counseling program.

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1. Employees who successfully complete rehabilitation under CEAP.

3. **Records.** In addition to maintaining records necessary to prepare the reports identified in paragraph 2 above, the DPC is responsible for maintaining all records relevant to administration of the activity DFWP, to include:

a. Information confirming accomplishment of mandatory training for supervisors/managers.

b. TDP and volunteer pool members by name, SSN, gender, position title, pay plan, series, unit identification code (UIC), and any other organizational location information which would assist in specific identification.

c. 30 day individual notice receipts.

d. Documentation of the method of random selection for each random test conducted.

e. Deferrals and exemptions from random or follow-up testing.

f. Authorizations for reasonable suspicion or accident/unsafe practice testing, to include justification, approval, and copy of the notice to the individual (see Appendixes H, I and J).

g. Copies of notifications to the CPO of verified positive test results of tentative selectees for TDPs.

h. Copies of requests for safe harbor and for voluntary inclusion in the random pool.

i. Information on individuals who fail to report to the collection site or who refuse to be tested, where no deferral or exemption is granted.

j. Copies of orders for tests and of test information received.

k. Documentation of temporary moves in and out of TDPs and, as appropriate, reasons for such moves (e.g., removal of sensitive duties based on a positive test result).

l. Requests to retain positive specimens longer than 1 year.

m. Notification to union(s) of proposed DFWP implementation.

n. Documentation of employee education program efforts.

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o. Documentation of review procedure for designating positions for inclusion in the TDP pool and of requests to revoke this designation (including decision letters issued).

p. Documentation of authorization of overtime or compensatory time to permit completion of urine collection procedures outside normal work hours.

g. For individuals enrolled in CEAP, copies of rehabilitation plans and information regarding when follow-up testing can begin.

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CHAPTER II. SAFE HARBOR

1. Executive Order 12564 allows agencies to provide an opportunity for assistance to those employees who voluntarily seek treatment for drug use. Safe harbor insulates the employee from discipline for admitted acts of using illegal drugs when the agency is unaware of such use. The Department of the Navy will offer such a safe harbor for any employee who meets all of the following conditions:

a. Voluntarily identifies himself or herself as an illegal user of drugs to the activity head/commander, via the immediate supervisor and the DPC, prior to being identified through other means.

b. Obtains counseling and rehabilitation through the CEAP.

c. Agrees to be tested by the activity/command as part of and as a follow-up to counseling and rehabilitation.

d. Consents, in writing, to the release to appropriate management and CEAP officials of all counseling and rehabilitation records related to the illegal use of drugs.

e. Subsequently refrains from illegal use of drugs. Appendix C will be used by any employee requesting safe harbor.

2. An employee who admits to drug use after being notified that he or she is scheduled for a test or just after a sample is collected, or who is found to use drugs on the basis of other appropriate evidence (e.g., direct observation or evidence obtained from an arrest or criminal conviction) is not eligible for safe harbor. For example, an employee arrested over the weekend on drug-related charges is released and reports to work as usual on Monday requesting safe harbor. Since the activity head/commander is unaware of the arrest, he/she signs the agreement. A safe harbor agreement signed under these circumstances will be considered invalid and obtained by the employee under false pretenses. Any request or agreement denied or invalidated must be fully documented and maintained by the DPC. Further, safe harbor is for illegal users of drugs, not drug dealers or those involved in other drug-related misconduct.

3. An employee who meets the safe harbor conditions will be advised that he or she will not be subject to discipline for the admitted acts of illegal use of drugs, including possession incident to such personal use. However, if the employee occupies a TDP position subject to random testing, he or she must immediately be removed from that position. In addition, if the

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employee holds a current security clearance, the provisions of reference (e) apply. Agency officials are not relieved of their obligation to take appropriate action to protect national security information when they are made aware of information reflecting unfavorably on an individual's reliability or trustworthiness. Thus, an employee's admission of drug use under the safe harbor provision may be used by activity security personnel for access and clearance determinations. A notice to this effect (Appendix C) is to be given to all new CNO employees.

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CHAPTER III. DETERMINING COVERED POSITIONS**SECTION A. Determining the Department of the Navy-wide Testing Designated Positions**

1. In determining the Navy-wide list of Testing Designated Positions (TDPs) subject to random drug testing, a two-step approach was used.

a. First, certain positions were determined to meet the criteria under Executive Order (E.O.) 12564 for designation as TDPs without regard to the specific title and duties of the position. These positions are automatically included as TDPs without regard to the series, title or functions because of special program requirements, characteristics or position location. These TDPs may be included under more than one requirement or characteristic, i.e., a position requires a top secret clearance with access and is also in the Nuclear Weapon Personnel Reliability Program (PRP). These TDPs are described in Appendix E, reference (b).

b. Second, a review was conducted of the job functions commonly associated with each classification series occupied by Department of the Navy employees to determine whether these series met the criteria for testing under the E.O. 12564 (i.e., law enforcement, national security, the protection of life and property, public health and safety or other functions requiring a high degree of trust and confidence). The Department of the Navy has a wide range of missions in support of national defense, including the repair and overhaul of ships, airplanes, and weapons systems. Therefore, employees occupying positions with the same title, including any parenthetical reference, and classification series may perform varying duties in widely different work environments. This fact, coupled with the large Department of the Navy civilian workforce, dictated that the decision to include or exclude a position from the TDP list must be made at the activity/command level. Therefore, rather than identifying each individual position which would meet the criteria for designation as a TDP, the Department of the Navy reviewed typical duties of positions in all classification series and identified those series and titles which would commonly involve functions related to law enforcement, public health and safety, protection of life and property, national security and other functions requiring a high degree of trust and confidence. These were placed on the Department of the Navy TDP list and are described in Appendix E, reference (b).

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SECTION B. Formulating and maintaining the activity/command Pool of Testing Designated Positions

1. There are two general bases for including a position in the activity pool of TDPs. The first is "automatic" inclusion for a wide variety of positions based upon certain position requirements, e.g., a top secret clearance with access. The second basis for designation requires an evaluation of the actual duties of the position to determine whether or not it meets the criteria specified in Appendix E, reference (b).

a. Automatic Designation Due to Position Requirements or Characteristics.

(1) Positions which have certain characteristics or are covered by certain special programs are automatically included in the activity/command pool of TDPs regardless of their specific title or series. The description and justification for each of the automatic categories is provided in Appendix E, reference (b).

(2) To determine the automatically covered TDPs, follow these steps:

(a) Determine which positions in the activity/command require a top secret clearance with access (TSA). This information is obtained from the security office.

(b) Determine if the activity/command has any positions covered by the PRP as described in OPNAVINST 5510.162.

(c) Determine if the activity employs any shipboard Civilian Mariners or PRP positions working for the Military Sealift Command.

(d) Include all positions located in Navy Drug Screening Laboratories.

(e) Include positions covered under more than one of the above bases, e.g., a position requiring a TSA clearance and covered by the PRP.

(3) All positions identified by the activity/command under this automatic coverage are included in the TDP pool regardless of title.

b. Designation Based on Position Duties

(1) The second phase in the process of TDP designation is to identify those positions which are selected based upon specific duties and functions.

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(2) To determine these TDPs, follow these steps:

(a) First, identify all activity/command positions which have the same title, including any parenthetical reference, and series as listed in Appendix E, reference (b). Eliminate all positions which do not match exactly.

(b) Next, compare job descriptions and justifications for those positions matching the title, including any parenthetical reference, and series in step (a), above. The descriptions and justifications are provided in Appendix E, reference (b) which includes an index to assist in locating the descriptions.

(3) If the duties of the position meet the job functions described and the justification criteria for designation as a TDP, these positions must be included in the activity/command TDP pool. The determination that the duties meet the criteria for designation as a TDP is subject to review, if requested by the employee, so appropriate certification as to how the determination was made and by whom must be retained by the DPC.

(4) If the duties of the position do not match the functional description and justification, the position cannot be included in the activity TDP pool.

2. Positions may not be selected for random drug testing on the basis of a desire to test particular individual employees.

3. Once the review is complete, the DPC will compile and maintain the activity/command TDP list of positions which forms the TDP pool for random testing. The list will contain at a minimum:

a. The incumbent's name, social security number, and gender.

b. The position title, pay plan and series.

c. Unit Identification Code (UIC) and any other organizational code or information, such as duty location, which would assist in determining where the employee works.

4. This list of incumbents and positions must be maintained to ensure that it is current and accurate at all times. The DPC will establish local procedures to ensure that he/she is notified when:

a. Positions are established or abolished.

b. Significant changes are made to the duties of any position. The position should then be reviewed following the

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provisions of paragraph B1b(2) above to determine if it meets the criteria for a TDP.

c. A personnel action results in a change of the incumbent of a TDP.

d. The organizational location of any TDP is changed.

5. The security office will notify the DPC when an employee is either granted a Top Secret clearance with access or when there is a change in the status of an incumbent previously possessing a Top Secret clearance. As appropriate, the DPC will notify the CPO to change the NCPDS element "Drug Test Required."

SECTION C. Notifying employees of TDP designation

1. Each employee in a TDP must be issued an individual notice with the activity head/commander's original or facsimile signature, at least 30 days before that employee is subject to unannounced random testing. In addition, each employee moving from a non-TDP to a TDP will receive an individual notice and will not be subject to random testing for at least 30 days following issuance of the notice. The individual notice in reference (b) must be issued without change.

a. Each employee in a TDP will be required to acknowledge in writing that:

(1) He or she has received and read the notice which states that the employee's position has been designated for random drug testing.

(2) He or she understands that refusal to submit to testing will result in administrative action and the initiation of disciplinary action, up to and including removal as specified in reference (d).

If the employee refuses to sign the acknowledgment, the employee's supervisor will sign and date the acknowledgement form to show that the employee received the notice. An employee's failure to sign the notice will not preclude testing of the employee.

b. The signed acknowledgment form or the form with the supervisor's note will be returned to the activity/command DPC for retention.

2. An employee who believes his or her position has been wrongly designated as a TDP may request review of that determination as follows:

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a. **Non-Bargaining Unit Employees.** The request must be submitted by the employee in writing to the activity head/commander, via the DPC, within 15 days of receipt of the individual notice. It must set forth the reasons why the employee believes it should not be a TDP and include all other relevant information. The activity head/commander will review the request based on the work assignments performed by the employee as compared to the criteria in Appendix E, reference (b) which led to the conclusion that the employee's position was properly designated as a TDP and will issue a final written decision. This decision is not subject to further review nor is it grievable under the administrative grievance procedure.

b. **Bargaining Unit Employee.** A bargaining unit employee covered by a collective bargaining agreement who seeks review of the designation of his or her position as a TDP must grieve the designation under the negotiated grievance procedure, provided the agreement does not exclude these decisions from that procedure.

c. Seeking review of the TDP determination will not exempt the employee from random testing during the review process or negotiated grievance procedure.

SECTION D. Changes affecting TDP designation

1. An employee who is detailed, temporarily promoted or reassigned to a TDP through a personnel action documented by an SF-50 or SF-52 will be subject to random drug testing during that period, provided that the assignment is expected to exceed 30 days. Since testing of the employee prior to temporary placement will not be required, the employee will be issued the individual 30-day notice when he or she enters the position. The employee will be subject to unannounced random testing 30 days after receiving the notice.

2. If an employee is temporarily promoted or reassigned out of a TDP for over 30 days, the employee should be issued another individual notice upon reentry. However, if the employee is only detailed out of his or her permanent TDP, no notice is required because the employee remains in his or her permanent position.

3. A notice need not be issued if an employee moves between two TDPs.

SECTION E. Procedures and criteria for changing the Department of the Navy Testing Designated Position list

1. The identification of positions as TDPs is viewed as an on-going process for the Department of the Navy.

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2. Activities/commands may request additions to or deletions from the Department of the Navy Testing Designated Position (TDP) list. These requests must be submitted through the chain of command, for CNO endorsement to the Director, Office of Civilian Personnel Management (OFFCPM). A request must contain:

a. The exact title including any parenthetical reference, pay plan and series of each position; and

b. The job description and justification for including the position on the Department of the Navy TDP list as it relates to the criteria of law enforcement, national security, the protection of life and property, public health and safety or other functions requiring a high degree of trust and confidence as described in E.O. 12564 (see Appendix E, reference (b)); or

c. The reasons why an activity/command wants the position deleted from the Department of the Navy TDP list in sufficient detail to support the activity/command request.

3. If the Director, OFFCPM determines the requested addition meets the criteria and justification for inclusion on the TDP list, the request will be forwarded to the Department of Justice (DOJ) for approval/denial. If approved by DOJ, the position will be added to the Navy-wide list. Positions with the same title, including any parenthetical reference, and series may then be added to an activity/command's TDP list after completing the required steps in paragraph B1b(2) above and issuing the incumbent(s) of the position(s) the required 30-day individual notice(s).

4. If the Director, OFFCPM determines that the requested addition does not meet the criteria and justification, the request will be returned through the chain of command.

5. The Director, OFFCPM will evaluate requests for deletions and notify all echelon 1 commands. Where a deletion is approved, the CNO DPC will notify echelon 2 DPCs to ensure that positions with the same title and series are removed from activity/command TDP lists. Thereafter, incumbents of those deleted positions will no longer be included in the random test pool, unless any of those positions continue to meet automatic TDP coverage criteria as described in paragraph B1a.

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CHAPTER IV. TESTING AND TEST PARTICIPANTS

SECTION A. Types of Drugs. The Department of the Navy will test employees and tentative selectees for Testing Designated Positions (TDPs) for the following drugs, classes of drugs and/or their metabolites: cocaine, cannabis (marijuana) amphetamines, opiates, phencyclidine (PCP) and any other drug(s) subsequently approved by DHHS for testing on an agency-wide basis. Opiates is considered a class of drugs as it includes morphine (a metabolite of heroin) and codeine. A metabolite is a compound produced from chemical changes to a drug by the body. In addition, the Department of the Navy may, on the basis of reasonable suspicion or after an accident or unsafe practice, test employees for any drug on Schedules I and II of the Controlled Substances Act provided at Appendix G of reference (b).

SECTION B. Types of Testing. The Department of the Navy program includes the following six types of drug testing:

1. Random - testing of employees in TDPs without individualized suspicion that the employee is using illegal drugs.
2. Applicant - testing of tentative selectees for TDPs prior to a final employment offer or position placement.
3. Reasonable Suspicion - testing of employees which is based on a belief that the employee used or uses drugs illegally.
4. Accident/Unsafe Practice - testing which may be required following an accident or other safety related incident.
5. Voluntary - testing of employees who volunteer to be included in the TDP pool but who would not otherwise be subject to random testing due to position requirements.
6. Follow-up - testing of employees as part of or follow-up to a rehabilitation or counseling program.

SECTION C. Frequency of Testing

During each fiscal year, the DPC must ensure that the number of tests conducted under all six categories of testing represent a total equal to approximately 50 percent of the number of TDP positions at the activity. This total should be allocated by quarter so that, for the fiscal year, variations from the target number are insignificant.

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SECTION D. Random Testing

1. Procedures Prior to Collection

a. The activity head or commander will authorize the DPC to conduct random tests.

b. The DPC will generate or direct preparation of the list identifying employees selected for random testing from the activity/command Testing Designated Position (TDP) pool. The DPC may use any method to generate the list that assures a true random selection. These may range from using computer generated lists based on social security number or the first or last letter of the surname to "blindly" picking numbers. The method of selection must be fully documented for the record. The following are some examples of possible random samplings:

(1) The DPC will select a number from 0 to 9 from a "hat" or from "ping-pong" balls with numbers on them. A list will be generated to show every employee in a TDP at the activity/command whose social security number ends with the number selected. Those employees would then be tested.

(2) The DPC will decide to test a particular shop or office and pick a last digit for the social security number from a "hat". The DPC, knowing that the shop had more employees subject to random testing than were scheduled to be tested that day, would have a list showing every second, every third, etc., employee in the shop with a social security number ending in the randomly-selected number. The method chosen should ensure that the employee at the top of the list is not always selected or skipped.

(3) The DPC will do the entire process manually, by picking a number from a "hat" and matching it against a list of employees in TDPs (e.g., if the number was 9, the DPC would select every ninth individual on the TDP list). Under no circumstances will any employee not on the list be tested.

c. The DPC will arrange the schedule. The employees will be scheduled in the first half of the shift, if possible.

d. The list of employees to be tested and the schedule are confidential information and should be treated accordingly.

e. The DPC will notify the selected employee's first-level supervisor approximately 2 hours prior to the actual time of collection, providing a copy of the checklist at Appendix E of this instruction. If the first-level supervisor is unavailable, the next higher level of supervision will be contacted. The DPC

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will annotate the list with date and time the supervisor has been contacted.

f. Approximately 15 to 30 minutes prior to the scheduled collection, the supervisor will privately inform the employee with the exact time and location of the test. In the event the collection site is distant from the work site, appropriate adjustments (generally no more than 60 minutes) will be made to the notification time so long as the advance notice is as brief a time as possible.

g. The supervisor will explain to the employee that he or she is under no suspicion of taking drugs and that the employee's name was randomly selected. The supervisor will respond to any employee questions to avoid misunderstanding. The employee will be provided with the checklist at Appendix F of this instruction.

h. The supervisor will instruct the employee to take an appropriate photo identification to the test site and will confirm that the employee possesses such identification.

i. The supervisor will discuss with a higher level supervisor any problem which may arise with regard to the employee reporting for the test as scheduled. If a deferral, as described immediately below is required, the supervisor will furnish the DPC with the required written documentation.

2. Deferral of Testing

a. A deferral of an employee's random drug test may be authorized by the DPC, when requested by the employee's first level supervisor with higher level concurrence. The request must be in writing and be based on a compelling need which necessitates the deferral on the basis that the employee is:

(1) In a nonduty status such as annual leave, sick leave, suspension, absent without leave, continuation of pay, etc.

(2) In an official travel status away from the work site or is about to embark on official travel scheduled prior to testing notification.

(3) Working a different shift.

(4) Performing a task or project that requires the employee's presence at the work site during the time the test is scheduled.

b. The DPC will reschedule the employee for unannounced testing within the next 60 days.

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3. Exemption During Treatment and Rehabilitation. While undergoing initial treatment or rehabilitation through the CEAP, and at the request of the CEAP Administrator, the employee may be exempted from random testing for a period not to exceed 60 days or for a time period specified in the rehabilitation plan. Upon completion of the stipulated exemption, the employee will be included in a separate testing pool at the activity/command as a part of or as follow-up to counseling or treatment for illegal drug use for a period of 1 year, in addition to remaining in the regular random testing pool if occupying a TDP.

4. Standard Collection Procedures. Unobserved collection procedures provided in Chapter V will be used.

SECTION E. Voluntary Testing

1. In order to demonstrate a commitment to the Department of the Navy goal of a drug-free workplace and to set an example for others, an employee, regardless of position, may volunteer to be included in the random testing program. Appendix G contains a sample request and acknowledgement memo for this purpose.

2. The DPC shall, within 10 working days of receipt of a request for voluntary testing, provide to the requesting employee two copies of the acknowledgment notice.

3. The employee shall return to the DPC one signed copy no later than 10 working days after receipt. Failure to do so will be viewed as a withdrawal of the request.

4. The DPC will retain the employee's signed acknowledgement form.

5. If the employee later chooses to withdraw from voluntary testing, he or she may do so by annotating a copy of the acknowledgement notice indicating he or she wishes to withdraw the request and the effective date and returning it to the DPC.

SECTION F. Reasonable Suspicion Testing

1. Determination of Reasonable Suspicion

a. A test may be authorized when management has a reasonable suspicion that any employee is using drugs illegally. This belief must be based on specific objective facts and reasonable inferences drawn from these facts.

b. Reasonable suspicion testing may be based upon, among other things:

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(1) Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug.

(2) A pattern of abnormal conduct or erratic behavior.

(3) Arrest or conviction for an on or off-duty drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking.

(4) Information provided either by reliable and credible sources or independently corroborated.

(5) Newly discovered evidence that the employee has tampered with a previous drug test.

c. Although reasonable suspicion testing does not require certainty, mere "hunches" or "rumors" are not sufficient to meet this standard.

2. **Authorization.** If an employee is suspected of illegal use of drugs, the appropriate supervisor or management official will gather all information, facts, and circumstances leading to and supporting this suspicion. Approval for reasonable suspicion testing, which is conducted under direct observation, must be received from at least one level above the supervisor or manager requesting the test. Local instructions will provide specific procedures. Immediately upon approval, the DPC will be notified of the requirement to arrange for a test.

3. **Types of Drugs.** In addition to testing for cocaine, marijuana, amphetamines, opiates, and PCP, activities and commands performing a reasonable suspicion test are authorized to include any drug on Schedules I and II of the CSA provided in reference (b). The activity/command must specify the drug or drugs for which the employee is being tested on the Urine Sample Custody Document provided at Chapter VI.

4. **Documentation.** As an immediate follow-up procedure to the test, the appropriate supervisor or manager will detail, in writing, the circumstances which warranted the test. At a minimum, the report will include the appropriate dates and times of reported drug-related incidents, reliable and/or credible sources of information, reasons leading to the test, the higher level concurrence, findings of the test, and any action taken. The DPC will retain a copy of this documentation. A sample format is provided at Appendix H.

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5. Scheduling. The DPC will arrange for the collection to be conducted on the same day the test was approved by management, if possible, but not later than 24 hours after the event which caused the determination. This test may be conducted without regard to the employee's regular work shift, and overtime pay or compensatory time will be provided as needed.

6. Notification

a. The supervisor, if not directly involved in the reasonable suspicion determination, will be notified by the DPC that an emergency collection procedure has been initiated. If the immediate supervisor is not available, a higher level supervisor will be contacted. The DPC will provide the supervisor with the time and location of the collection and any necessary information to be conveyed to the employee.

b. The supervisor or management official will notify the employee of the time and location of the test and issue the specific written notice that he or she is being tested for reasonable suspicion. A sample of such a notice is included as Appendix I.

c. The employee will be directed to take an appropriate photo identification to the test site. The supervisor or other management official will escort the employee to the site.

7. Standard Collection Procedures. Direct observation collection procedures provided in Chapter V will be used.

SECTION G. Accident or Unsafe Practice Testing

1. Determination

a. The Department of the Navy is committed to providing a safe and secure work environment. Any employee involved in an on-the-job accident or who engages in unsafe on-duty, job-related activity may be subject to drug testing. Management must evaluate the situation to determine whether the employee's actions may have contributed to the incident.

b. Each activity/command will establish criteria requiring accident or unsafe practice testing in consultation with the Occupational Safety and Health (OSH) Manager. The classification of mishaps in reference (f) should be used as a guide in determining the types or severity levels of mishaps that may be included in the drug testing program. Mishaps that result in death, multiple hospitalizations, or high dollar loss are examples of criteria that can be used by the activity head in designating accidents/unsafe practices subject to testing.

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2. **Authorization.** If a supervisor or manager believes that an accident or unsafe practice meets the established criteria to require a test, he or she will gather all facts and circumstances supporting determination. Approval for testing must be received from at least one level above the supervisor or manager requesting the test. Local instructions will provide specific procedures. The decision to conduct a test will be made the same day the incident occurs or as soon as management becomes aware of the incident. Immediately upon approval, the DPC will be notified of the requirement to arrange for a test.

3. **Types of Drugs.** In addition to testing for cocaine, marijuana, amphetamines, opiates and PCP, activities and commands performing accident testing are authorized to include any drug on Schedules I and II of the CSA provided at reference (b). The activity/command must specify the drug or drugs for which the employee is being tested on the Urine Sample Custody Document.

4. **Documentation.** Sufficient documentation to support the decision to test must be maintained. At a minimum, this will include the appropriate dates and times, circumstances surrounding the incident, the reasons leading to the test, the second-level concurrence, findings of the test and any action taken. Appendix J contains a sample memo for documenting the incident and obtaining approval of the test. The DPC will retain a copy of this documentation.

5. **Scheduling.** The DPC will arrange for the collection to be conducted on the same day as the test was approved by management, if possible but not more than 24 hours after the event which caused the determination. The test may be conducted without regard to the employee's regular work shift, and overtime pay or compensatory time will be provided as needed.

6. **Notification**

a. The supervisor, if unaware of the incident, will be notified by the DPC that an emergency collection procedure has been initiated. If the immediate supervisor is not available, a higher level supervisor will be contacted. The DPC will provide the supervisor with the time and location of the collection and any necessary information to be conveyed to the employee.

b. The supervisor or management official will notify the employee of the time and location of the test and issue the specific written notice that he or she is being tested because of the accident or unsafe practice. A sample of that notice is included as Appendix J. The employee will be directed to take an appropriate photo identification and will be escorted to the test site by the supervisor or other management official.

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7. Standard Collection Procedures. Unobserved collection procedures provided in Chapter V will be used.

SECTION H. Follow-up Testing

1. Description. All Department of the Navy employees referred through administrative action to counseling or rehabilitation through CEAP for illegal drug use will be subject to unannounced drug testing as a follow-up to his or her program. This testing is separate from the regular random testing conducted by the activity/command. The employee will be tested for a period of 1 year or for such time as specified in the rehabilitation plan or other form of written agreement. In addition, an activity/command may elect to impose testing as part of the rehabilitation or treatment program.

2. Documentation. The rehabilitation plan or other form of written agreement will be retained by the DPC and serve as evidence that the employee was aware of the requirement for follow-up testing.

3. Notification. The supervisor or manager will notify the DPC upon the employee's return to work so that follow-up testing can begin, if the employee was in a nonduty status. The CEAP Administrator or Counselor will notify the DPC upon the employee's completion of any initial or in-patient counseling or rehabilitation for illegal drug use or as part of the rehabilitation process in order for testing to be initiated.

4. Frequency. Such employees will be tested at the frequency determined by the local activity/command; the rate need not be specified in the rehabilitation plan.

5. Deferral of Testing

a. A deferral of an employee's unannounced follow-up drug test may be authorized by the DPC, when requested by the employee's first level supervisor with higher level concurrence. The request must be based on a compelling need which necessitates the deferral on the basis that the employee is:

(1) In a nonduty status such as annual leave, sick leave, suspension, absent without leave, continuation of pay, etc.

(2) In an official travel status away from the work site or is about to embark on official travel scheduled prior to testing notification.

(3) Working a different shift.

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(4) Performing a task or project that requires the employee's presence at the work site during the time the test is scheduled.

b. The DPC will reschedule the employee for unannounced testing within the next 60 days.

6. Standard Collection Procedures. Direct observation collection procedures in Chapter V will be used.

SECTION I. Applicant Testing

1. Coverage. Drug testing will be required of any individual tentatively selected for or placed in a TDP, unless only a temporary position change is involved or the individual currently occupies a Department of the Navy TDP. This includes any action resulting in the permanent placement of an individual in a TDP (i.e., reassignment, promotion and change to lower grade). Only applicants for TDPs may be tested. See paragraph 2b for special requirements during a reduction-in-force.

2. Vacancy Announcements

a. All vacancy announcements for TDPs will contain the following statement:

Any applicant tentatively selected for this position will be required to submit to urinalysis for illegal use of drugs prior to a final selection. The selection is contingent upon a negative drug test result and, thereafter, the selectee will be subject to drug testing on a random basis as the incumbent of the Testing Designated Position (TDP). Further, all Department of the Navy employees may be subject to drug testing under certain circumstances such as reasonable suspicion and after an accident. All individuals will have an opportunity to submit medical documentation that may support the legitimate use of a specific drug to a Medical Review Officer. An applicant's test results will be provided to the selecting official and servicing Civilian Personnel Office before a final selection is made. A verified positive drug test result of a current Department of the Navy employee will also be provided to the employing activity/command. Failure of the vacancy announcement to contain such notice will not preclude testing if written advance notice is provided to the applicant in some other manner.

b. Placement under reduction-in-force (RIF) procedures.

(1) A competing employee who tested positive for illegal drug use or participated in a rehabilitation program (initial/follow-up) to include "safe harbor" within the past 6 months from

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the issuance date of RIF notice and who has not received a final written decision of removal under the guidelines of the DFWP is limited in his/her placement to only non-TDP positions.

(2) An employee who tests positive during the notice period (General/Specific) will have his or her RIF notice adjusted accordingly within the three grade/grade interval limit to a non-TDP position or separation. If vacancies are used, placement is limited only to non-TDP positions. An employee is entitled to a new notice period of at least 30 days if a more severe action is taken than first specified.

(3) Competing employees who are tested during the RIF process with no test results before the effective date of the RIF are processed in accordance with established RIF regulations.

(4) The RIF program coordinator will document two status updates before the effective date of the RIF notice with the activity DPC and/or CFAP Coordinator, whichever is appropriate regarding competing employees who are tested during the RIF process.

(5) A competing employee who is returned to his/her TDP position within the 6 months prior to the issuance date of the RIF notice is limited in his/her placement to non-TDP positions.

3. **Notification.** Before the final selection for any vacancy and/or requesting that the DPC arrange a drug test for a tentative TDP selectee, the CPO will verify its records that the individual has not had a verified positive drug test result within the last 6 months. If the selectee has had a verified positive test within the last 6 months, the CPO will notify the selecting official that the applicant cannot be selected. If the selectee has not had a verified positive test, the CPO will notify the DPC as soon as possible that a drug test needs to be scheduled for a tentative selectee. The DPC will arrange for the test and inform the CPO of the date, time and place of the test. The CPO will provide this information to the individual to be tested at the time the tentative offer is made. The drug test must be undertaken as soon after notification of the applicant as possible, and no later than 48 hours. Where appropriate, an applicant may be reimbursed for reasonable travel expenses (see Joint Travel Regulations for specific information). To avoid unnecessary travel expenses, when both the gaining and losing activities are within the CNO community, the losing activity will arrange for the test. In all other circumstances, activities are encouraged to arrange for the test through another activity or government agency within the applicant's geographical area.

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4. Standard Collection Procedure. Unobserved collection procedures provided in Chapter V will be used.

5. Test Results. The MRO will notify the DPC of the test results and the DPC will provide the CPO with written notice of the test result. The CPO will document the test result in the selection package so that the process can continue. If an applicant has a verified positive test result, the following procedures apply:

a. The CPO will notify the applicant that the verified presence of a drug in his or her urine precludes the activity/command from hiring or placing the applicant in the position. Also, the CPO will advise the applicant that he or she will not be considered for any vacancies by the activity/command or any other activity/command serviced by the CPO for a period of 6 months from the date the positive test was verified by the MRO.

b. If the applicant was tentatively selected from an OPM certificate, the CPO will object to hiring the applicant on the basis of failure to meet a condition of employment and lack of personal characteristics necessary for employment in the Department of the Navy. For DON employee applicants, the objection will be on the basis of failure to meet a condition of employment and lack of personal characteristics necessary for employment in this TDP.

c. In addition, if the applicant is a current DON employee, the CPO will notify the applicant's supervisor if the vacancy was at the employee's own activity/command. If the applicant is an employee from another Department of the Navy activity/command, the CPO will notify the activity head or commander who will notify the head of the applicant's activity or command.

d. Although 42 U.S.C. 290ee-1(b)(1) states that no person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the ground of prior drug abuse, DON considers a verified positive test result within a preceding 6 month period to be current, not prior, drug abuse. Therefore, the statutory provision cited above would not apply.

SECTION J. Refusal to be Tested

1. If an employee refuses to be tested, regardless of the reason for the testing (random, reasonable suspicion, accident/unsafe practice, and follow-up), he or she will be informed by an appropriate management official that refusal will be considered failure to follow a direct order and will result in the same type

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of disciplinary action as a first-time verified positive test result.

2. If the refusal occurs at the work site, the supervisor will immediately notify the DPC. If the refusal occurs at the collection site, the CSC will document the refusal, advise the employee to return to the work site, and notify the DPC. The DPC will contact the employee's supervisor who will initiate appropriate action.

3. Any applicant who refuses to be tested will be denied employment.

SECTION K. Failure to Provide a Sample

1. **Insufficient Sample.** An employee should be given a reasonable amount of time to provide the sample. If an employee is unable to provide at least 60 milliliters of urine, the sample should be submitted, the temperature checked and the partial specimen should be placed in a secure area. The following steps should then be taken:

a. The employee will be asked to drink sufficient fluids and will remain at the collection site within view of the DPC or CSC until he or she is able to provide a sufficient sample.

b. When the employee is ready to provide the second specimen, he or she will void into a new bottle or catch container and the temperature of that sample will be checked. If it is within the acceptable temperature range, both the first and second samples will be combined in a single container. Chapter V provides procedures to be followed if the temperature is outside the range.

2. **Unable To Void.** If the employee is unable to void, he or she should be asked to drink sufficient fluids to facilitate urination. The employee will be required to remain at the collection site within the view of the DPC or CSC until ready to provide the sample.

Under either of these conditions, the DPC may elect to release the employee. Such a release is not considered an approved deferral and no requirement exists to schedule another test in place of the test from which the employee was deferred.

SECTION L. Failure to Report to the Designated Collection Site

1. An employee who fails to appear for any type of testing (except for an approved deferral), will be charged with failure to follow a direct order. The same type of disciplinary action as a first-time positive test result will result.

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2. Due to the nature of this offense, there is no requirement for referral to the CEAP.
3. An applicant's failure to appear for a test will result in the cancellation of any tentative offer of employment.

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CHAPTER V. COLLECTION PROCEDURES

SECTION A. CNO Centralized Collection Contract. Unless specifically exempted by the CNO, all activities/commands will use the CNO centralized urine collection contract procedures.

SECTION B. Collection Site Requirements. The collection site is a place where individuals present themselves for the purpose of providing urine specimens. It should be prepared in advance with all necessary materials, equipment, facilities, security and temporary storage and be secured at all times. In cases where the facility cannot be dedicated solely for the purpose of drug testing, or during an emergency collection when any public restroom facility may be used, it will be secured as a collection site facility during drug testing operations. No unauthorized personnel will be permitted in any part of the collection site where urine specimens are collected or stored. While it is anticipated that most facilities will be provided by contractors, occasions will arise where the activity/command must ensure that an appropriate facility for collection is available.

SECTION C. Collection Site Personnel

1. **Collection Site Coordinator.** Where the provisions of the CNO centralized contract apply, contractor personnel will perform this function. In other situations, the DPC or his/her designee will be the Collection Site Coordinator (CSC) and will perform the following functions:

a. Ensure proper preparation of the collection site. This includes obtaining the necessary supplies and making other logistical arrangements for the collection.

b. Ensure urine specimens are collected following the procedures outlined in this instruction, reference (b) and DHHS Guidelines. This includes completing the Urine Sample Custody Document, OCPM 12792/2, and making entries into the Permanent Record Book. ALL CHAIN OF CUSTODY PROCEDURES MUST BE SCRUPULOUSLY FOLLOWED.

2. **Observers.** Observers will always be the same gender as the individual providing the specimen. The observer's responsibilities include:

a. Inserting a bluing agent in the toilet bowl before each specimen is collected.

b. Accompanying the individual being tested to and from the designated rest room area.

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c. Remaining outside the toilet stall while the individual provides the sample.

d. Instructing the individual to pour the specimen from the catch container, if used, into the specimen bottle.

e. Instructing the individual to place the lid or cap on the specimen bottle and wipe off any overflow while he or she observes.

f. Escorting the individual back to the CSC.

3. **Testing of Site Personnel.** The DPC, Collection Site Coordinator and observers, if scheduled for testing, will be tested separately from other individuals and their samples handled and shipped separately so that none are involved in processing their own specimens.

SECTION D. Chain of Custody Procedures. Collection site personnel will always have the urine specimen bottle or other catch container within sight before and after the individual has urinated. The specimen bottle must also remain in sight from the time the sample is transferred from the catch container, if used, until tightly capped, properly sealed and labeled. A Urine Sample Custody Document, OCPM 12792/2, will be utilized for maintaining absolute control and accountability from point of collection to final disposition of specimens. With each transfer of possession, the form will be dated, signed by the individual releasing the specimen, signed by the individual accepting the specimen, and include the purpose for transferring possession. Every effort will be made to minimize the number of people handling specimens. While any part of the chain of custody procedures are being performed, it is essential that the urine specimen(s) and Urine Sample Custody Document(s) OCPM 12792/2, be under the direct control of the involved collection site personnel. If that person must leave the site, the specimen(s) and form(s) will be taken along or secured in a manner to preclude any break in the chain of custody. Such temporary security measures must also be recorded on the urine sample custody document.

SECTION E. Collection Schedules

1. Collection site personnel will adhere strictly to the collection schedule. Inability to adhere to the schedule will be reported immediately to the DPC. If an individual fails to arrive at the assigned time, the CSC shall contact the DPC. The DPC will provide guidance as to any necessary changes/adjustments to the schedule.

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2. Collection extending beyond the regular shift. If the collection extends beyond the end of the employee's regular shift, the following options are available to the activity/command depending on an assessment of the situation by the DPC after a discussion with the employee's supervisor or higher level manager:

a. The DPC may require the employee to remain at the collection site and pay overtime or give compensatory time as the situation may warrant. Authorization for overtime/compensatory time will be made per local policy and procedures.

b. The DPC may release the employee, which will not be considered the same as an approved deferral and will not trigger a requirement to test within 60 days.

SECTION F. Collection Procedures (Unobserved)

1. Upon the individual's arrival at the collection site, the CSC will request a photo identification. If the individual does not have proper identification, the CSC will contact the DPC who will contact the employee's supervisor for positive identification. If the individual's identity cannot be established, the CSC will not proceed with collection and this fact will be noted on the Urine Sample Custody Document, OCPM 12792/2 and in the Permanent Record Book. The employee will be told to return to the worksite and report to the supervisor.

2. If the individual fails to appear at the collection site or refuses to be tested, the CSC will contact the DPC, who will follow the guidance provided in Chapter IV.

3. The CSC will require the individual to remove any unnecessary outer garments (e.g., coat, jacket, coveralls) that might conceal items or substances that might be used to tamper with or adulterate the urine specimen. The individual may retain his or her wallet but all personal belongings (purses, briefcases, lunch pails, etc.) will remain with the outer garments. The CSC will ensure that these personal belongings are placed in a secure place.

4. The individual will be instructed to wash and dry his or her hands prior to urination. After washing, the individual will remain in the presence of the CSC or observer and will not have access to water fountains, faucets, soap dispensers, cleaning agents, or other materials which could be used to adulterate the specimen.

5. The individual will be given the specimen bottle or other type of "catch container" such as a styrofoam cup, a device specifically designed for collection, or a wide-mouth bottle.

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6. To deter dilution of specimens at the collection site, toilet bluing agents will be placed in the toilet tanks for each collection so that the standing water in the toilet bowl always remains blue. This requirement may be met by:

a. Inserting a continuously releasing bluing agent, commonly used in households and available in local stores, into the toilet tank; or

b. Adding a bluing agent such as food coloring to the bowl after each flush.

7. The observer (same gender as the individual) will accompany the individual into the rest room and remain there while the individual is providing the urine specimen. The individual will provide the sample in the privacy of the rest room stall or other partitioned area that allows for individual privacy. Although direct observation is not permitted except under certain circumstances, the observer will be aware of and record in the Permanent Record Book any unusual sounds, behavior, or delays by the individual. The individual will be instructed not to flush the toilet.

8. If a "catch container" is used, the specimen must be transferred by the individual to the specimen bottle. This transfer must be watched by the observer.

9. The CSC, upon receipt of the specimen, will immediately measure the temperature of the urine. The time from the urination to delivery of the sample for temperature measurement is critical and in no case should it exceed 4 minutes. If the temperature of the specimen is outside the range of 32.5-37.7°C/90.5-99.8°F, it may give rise to reasonable suspicion of adulteration/substitution of the sample. In this case, after authorization by the DPC, another specimen will be collected under direct observation and both specimens forwarded to the NDSL (see Section G below for direct observation procedures). An individual may volunteer to have his or her oral temperature taken to provide evidence to counter the reason to believe an individual may have altered or substituted a specimen when the temperature is outside the prescribed range.

10. The CSC will visually examine the specimen for color and signs of contaminants. Any unusual finding resulting from the inspection must be included in the remarks section of the Permanent Record Book.

11. If the observer for any reason believes, in his/her professional judgment, that the employee has tampered, adulterated, or substituted his/her sample, the observer will request

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the employee to remain at the collection site, in the presence of another collection site person. The observer will immediately contact a higher level collection site supervisor and the DPC to detail the reasons for this belief. If authorized by the DPC, the observer will proceed with a second specimen collection under direct observation as described in Section G below. The observer will annotate in the remarks section of the Permanent Record Book the DPC's authorization to conduct the second collection under direct observation. The DPC will document the observer's phone call, reasons for requesting observation, and the final decision, including rationale for the decision.

12. The CSC will ensure that the specimen bottle contains at least 60 milliliters of urine. If the specimen is less than 60 milliliters, the temperature of the partial specimen will be measured within the 4 minute time limit and annotated and the partial specimen will then be placed in a secure area. The individual will then be given a reasonable amount of fluids to drink, and a new bottle or catch container will be provided to collect a second partial specimen. The two partial specimens must total 60 milliliters. The temperature of the second specimen will be measured within the prescribed 4 minute time limit, and if the temperature is within the acceptable range, the two specimens will be combined into one container. If, after the second attempt, an individual still fails to provide the necessary specimen, the CSC will contact the DPC to obtain guidance on action to be taken.

13. Both the individual being tested and the CSC should keep the specimen in view at all times prior to its being sealed, labeled and the necessary documentation process completed. The CSC will place the identification label securely on the bottle. The CSC will place the tamper-proof tape over the bottle cap and down the sides of the bottle, overlapping but not obliterating the information on the label.

14. The individual will initial the label on the specimen bottle, using initials corresponding with the name on the Urine Sample Custody Document, OCPM 12792/2.

15. After the specimen has been provided, submitted to the CSC and the documentation completed, the individual may wash his or her hands. The collector will instruct the individual to flush the toilet.

16. The CSC will enter the identifying information in the Permanent Record Book. The individual must read the statement and certify that the specimen identified is in fact his or hers by signing the Permanent Record Book. The CSC must ensure that all information pertaining to previous individuals is not visible to the current individual.

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17. The CSC will complete the Urine Sample Custody Document, OCPM 12792/2, which will be delivered with the specimens to the NDSL.

SECTION G. Collection Procedures (Direct Observation)

1. Collection under direct observation will not be made by the collection site person without proper authorization by the DPC. Direct observation procedures will be authorized only in the following circumstances:

a. The individual is being tested based on reasonable suspicion.

b. Facts and circumstances suggest that the individual is under the influence of drugs at the time of the test.

c. The individual has previously been found by the Department of the Navy to be an illegal drug user and is undergoing follow-up testing. This includes an employee with a safe harbor agreement.

d. Facts and circumstances suggest that the individual has equipment or materials capable of tampering with or adulterating a urine sample.

e. The individual has previously tampered with a sample, or has just given a specimen and the temperature measurement indicates possible adulteration/substitution.

Any such reason must be documented in writing and retained with the collection records by the DPC and/or with adverse action files. See sample at Appendix H.

2. Upon the individual's arrival at the collection site, the CSC will request a photo identification. If the individual does not have proper identification, the CSC will contact the DPC who will contact the employee's supervisor for positive identification. If the individual's identity cannot be established, the CSC will not proceed with collection and this fact will be noted on the Urine Sample Custody Document, OCPM 12792/2, and in the Permanent Record Book. The employee will be told to return to the worksite and report to the supervisor.

3. If the individual fails to appear at the collection site or refuses to be tested, the CSC will contact the DPC, who will follow the guidance provided in Chapter IV.

4. The CSC will require the individual to remove any unnecessary outer garments (e.g., coat, jacket, coveralls) that might conceal

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items or substances that might be used to tamper with or adulterate the urine specimen. The individual may retain his or her wallet but all other personal belongings (purses, briefcases, lunch pails, etc.) will remain with the outer garments. The CSC will ensure that these personal belongings are placed in a secure area.

5. The individual will be instructed to wash and dry his or her hands prior to urination. After washing, the individual will remain in the presence of the CSC or observer and will not have access to water fountains, faucets, soap dispensers, cleaning agents, or other materials which could be used to adulterate the specimen.

6. The individual will be given the specimen bottle or other type of "catch container" such as a styrofoam cup, a device specifically designed for collection, or a wide-mouth bottle.

7. To deter dilution of specimens at the collection site, toilet bluing agents will be placed in the toilet tanks for each collection so that the standing water in the toilet bowl always remains blue. This requirement may be met by:

a. Inserting a continuously releasing bluing agent, commonly used in households and available in local stores, into the toilet tank; or

b. Adding a bluing agent such as food coloring to the bowl after each flush.

8. The CSC will advise the individual that the sample will be collected under direct observation.

9. Only the individual providing the sample and the CSC/observer (same gender) will be permitted in the area where the collection is being taken. The CSC/observer will be positioned in such a way during the collection that he or she can be certain that the sample passes directly from the individual's body to the specimen bottle or "catch container".

10. If a "catch container" is used, the specimen must be transferred by the individual to the specimen bottle. This transfer must be watched by the collector.

11. The CSC, upon receipt of the specimen, will immediately measure the temperature of the urine. The time from urination to delivery of the sample for temperature measurement is critical and in no case should it exceed four (4) minutes. If the temperature of the specimen is outside the range of 32.5-37 to C/90.5-99.8oF, it may give rise to reasonable suspicion of

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adulteration/substitution of the sample just collected. In this case, after authorization by the DPC, another specimen will again be collected under direct observation and both specimens forwarded to the NDSL. An individual may volunteer to have his or her oral temperature taken to provide evidence to counter the reason to believe an individual may have altered or substituted a specimen when the temperature is outside the prescribed range.

12. The CSC will visually examine the specimen for color and signs of contaminants. Any unusual finding resulting from the inspection must be included in the remarks section of the Permanent Record Book.

13. The CSC will ensure that the specimen bottle contains at least 60 milliliters of urine. If the specimen is less than 60 milliliters the partial specimen will be placed in a secure area. The individual will then be given a reasonable amount of fluids to drink, and a new bottle or catch container will be provided to collect a second partial specimen. The two partial specimens must total 60 milliliters. The temperature of each partial specimen will be measured within the prescribed four minute time limit, and if each sample is within the acceptable range, the partial specimens will be combined into one container. If, after the second attempt, an individual still fails to provide the necessary specimen, the CSC will contact the DPC to obtain guidance on action to be taken.

14. Both the individual being tested and the CSC should keep the specimen in view at all times prior to its being sealed, labeled and the necessary documentation process completed. The CSC will place the identification label securely on the bottle. The CSC will place the tamper-proof tape over the bottle cap and down the sides of the bottle, overlapping but not obliterating the information on the label.

15. The individual will initial the label on the specimen bottle, using initials corresponding with the name on the Urine Sample Custody Document, OCPM 12792/2.

16. After the specimen has been provided, submitted to the CSC and the documentation complete, the individual may wash his or her hands. The observer will instruct the individual when to flush the toilet.

17. The CSC will enter the identifying information in the Permanent Record Book. The individual must read the statement and certify that the specimen identified is in fact his or hers by signing the Permanent Record Book. The CSC must ensure that all information pertaining to previous individuals is not visible to the current individual.

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18. The CSC will complete the Urine Sample Custody Document, OCPM 12792/2, which will be delivered with the specimen to the NDSL. The CSC will code the Urine Sample Custody Document to indicate that the sample was collected under direct observation due to reasonable suspicion or as part of follow-up testing.

SECTION H. Preparation for Shipment and Transportation of Samples

1. All specimens should be shipped as soon as possible after collection. However, if the specimen is not immediately prepared for shipment, it should be refrigerated and must be appropriately secured during temporary storage.

a. The CSC or DPC will complete the chain of custody on the reverse side of the document and enter the means of shipment at item 11 on the Urine Sample Custody Document, OCPM 12792/2.

2. All samples must be placed inside a leak-proof container (a single ziplock type bag is not leak-proof) and will be packed with absorbent material. The samples, including Blind Performance Test Samples (BPTSS), will be packed in appropriate cartons, specimen boxes or padded mailers that are securely sealed to prevent tampering. A copy of the Urine Sample Custody Document, OCPM 12792/2, will be enclosed in a waterproof mailer and inserted into the shipping container.

3. The box will be wrapped in brown mailing paper or larger outer mailing wrapper, or if shipping several containers, placed in a larger outer container. All sides of the box or mailer will be sealed with adhesive tape and the preparer will sign and date across the tape all sides where the tape seals the box. The package should be clearly marked as containing Clinical Specimens. A yellow address label will be used so that civilian samples are readily identifiable. The original custody document will be placed in a sealed envelope and attached to the outside of the shipping container.

4. The samples may be sent to the NDSL by one of several acceptable modes of transportation, for example: hand delivery, U.S. Postal Service, commercial overnight delivery services, Military Airlift Command, commercial U.S. airlines or foreign commercial airlines (to be used when no other means is available). It is not necessary to send specimens by registered mail. The following are examples of shipment entries made on the Urine Sample Custody Document, OCPM 12792/2, at item 11:

a. Released to U.S. Mail.

b. Released to Certified Mail *XXXX (enter number).

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CHAPTER VI. DRUG TEST RESULTS**SECTION A. Review of Drug Test Results**

1. **Receipt of Results.** The NDSL will send or deliver all drug test results, positive and negative, to the MRO with a certified copy of the original Urine Sample Custody Document, OCPM 12792/2.

2. **Procedures**

a. **Negative Drug Test Result.** The MRO will immediately forward all negative drug test results to the CNO DPC who in turn will ensure that the activity DPC receives all information necessary for the proper administration of the local program.

b. **Positive Drug Test Results.** The MRO will initiate a medical review of positive test results to determine if the positive result is evidence of illegal drug use.

(1) The MRO will evaluate alternative medical explanations of a positive test result. This may include conducting a medical interview with the individual, review of the individual's medical history or consideration of other relevant biomedical factors.

(2) Any requests for medical information will be made by the MRO directly to the individual to ensure maximum confidentiality. The MRO will review all medical records, including valid prescriptions, made available by the tested individual when a positive test could have resulted from legally prescribed medications. The individual will have an opportunity to discuss the test results with the MRO, although a face-to-face interview is not required. Individuals are not entitled to present evidence to the MRO in a hearing or other similar administrative proceeding, although the MRO has the discretion to accept evidence in any manner deemed efficient or necessary.

3. **Notification**

a. **Negative Drug Test Results.** The MRO will forward all negative drug test results to the CNO DPC who in turn will ensure that the activity DPC is provided with the necessary information to inform employees of their test results.

b. **Verified Positive Drug Test Results.** If the MRO determines there is no medical justification for the positive result, such result will be considered a verified positive test result. The MRO will forward the report of the verified positive test result promptly to the CNO DPC, who will immediately notify

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c. Released to Registered Mail *XXXX (enter number).

d. Released to _____ (enter individual's name) to hand carry to the NDSL. (In such case, the individual would sign the chain of custody portion of the Urine Sample Custody Document, OCPM 12792/2, upon receiving the specimens).

e. Released to Military Airlift Command, Bill of Lading *XXXX (enter number).

f. Released to Airlines Flight *XXXX, Bill of Lading *XXXX (enter airline, flight number and bill of lading number).

When the registered number or bill of lading number is not determined prior to sealing the container, indicate only the mode of shipment on the original and the copy enclosed and annotate the activity/command copy with the appropriate number when the container is accepted for shipment. Any package shipped by the U.S. Postal Service must be prepared following any applicable postal regulations.

5. The samples will be mailed to:

COMMANDING OFFICER
Navy Drug Screening Laboratory
Naval Air Station, Bldg. S-33
Norfolk, VA 23511

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the command/activity DPC. The DPC will notify the CEAP Administrator and the supervisor or management official having authority to take a personnel action against the employee. See Chapter IV for information on notification procedures for applicant test results.

SECTION B. Consequences of a Positive Test Result. All disciplinary procedures and adverse actions will be taken pursuant to applicable laws and regulations and in accordance with reference (d) and applicable collective bargaining agreements. Prior to initiating any action against an employee, management officials and supervisors will secure guidance from the DPC in consultation with the servicing CPO, if appropriate.

1. First Verified Positive Drug Test or First Determination of Illegal Drug Use.

a. Upon receipt of a first verified positive drug test or a first determination that an employee uses illegal drugs, the supervisor will remove the employee from a sensitive position as defined in Appendix A, reference (b) and reassign the employee to non-sensitive duties if such duties are available. An employee who possesses a security clearance of Secret, Top Secret, or special access, shall no longer have access to classified information per reference (e). Supervisors will initiate disciplinary action, except under the provisions of "safe harbor" described in Chapter II.

b. The supervisor will issue a letter referring the employee to the CEAP and offering the employee an opportunity to enter a rehabilitation program.

c. The supervisor will issue an appropriate disciplinary action letter under reference (d). The employee will be charged with illegal drug use.

d. The activity head/commander, may return the employee to duty in a sensitive position as part of a rehabilitation and counseling program, if it would not endanger public health, safety or national security. This determination should consider information obtained from the activity/command DPC, the MRO, CEAP personnel, the activity/command security and safety offices, and the employee's supervisor.

2. Second Verified Positive Drug Test or Second Determination of Illegal Drug Use.

a. Upon receipt by a management official of a second verified positive drug test or a second determination that an employee uses illegal drugs, initiation of action to remove the employee from the Federal service is mandatory.

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b. The supervisor will initiate action to remove an employee from the Federal service for such cause as will promote the efficiency of the service. The employee will be charged with failure to refrain from illegal drug use. The employee will not be offered a second opportunity to enter a rehabilitation program.

SECTION C. Reasonable Accommodation Requirements. A verified positive result does not equate to a requirement that the employee be afforded reasonable accommodation. A verified positive result indicates that the employee ingested a controlled substance at some recent time prior to providing the urine sample. The result will not show whether the employee was a first time drug abuser, a casual drug abuser or a drug addict. Casual or occasional use of drugs is not a handicapping condition which invokes the requirements of the Rehabilitation Act, 29 U.S.C. 791, et seq. To be entitled to reasonable accommodation, the employee must establish that he or she suffers from a handicapping condition. A showing that the employee is handicapped by a legitimate drug addiction and must be afforded reasonable accommodation must be based on the facts of each individual case. In addition to a verified positive test result, among factors to consider are the performance and/or conduct of the employee, the extent to which the employee's performance and/or conduct reflects the ability to perform the essential requirements of the position (including reliability and honesty), previous offers of rehabilitation, if any, and the employee's response to them. An offer of rehabilitation to an employee following a single, verified positive test result is both a required and prudent step in implementation of the DFWP; however, such an offer does not constitute an admission or determination that the employee is entitled to reasonable accommodation under the Rehabilitation Act.

SECTION D. Exemption During Treatment and Rehabilitation. While undergoing initial treatment or rehabilitation through the CEAP, and at the request of the CEAP Administrator, the employee may be exempted from random testing for a period not to exceed 60 days or for a time period specified in a rehabilitation plan. Upon completion of the stipulated exemption, the employee will be included in a separate testing pool at the activity/command as a part of or as follow-up to counseling or treatment for illegal drug use for a period of 1-year, in addition to remaining in the regular random testing pool if occupying a TDP.

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SAMPLE DPC SERVICING AGREEMENT

DRUG PROGRAM COORDINATOR SERVICING AGREEMENT
(FOR ATTACHMENT TO SUPPORT AGREEMENT DD FORM 1144)

BETWEEN

COMMANDING OFFICER _____ (SUPPLIER), UIC _____
COMMANDING OFFICER _____ (RECEIVER), UIC _____

1. **PURPOSE.** This agreement defines the responsibilities of the SUPPLIER and the RECEIVER in carrying out the drug program coordinator (DPC) responsibilities of the RECEIVER for appropriated fund civilian employees geographically located at _____.

2. **OVERALL RESPONSIBILITY.** The RECEIVER is responsible for management of the drug-free workplace program of the RECEIVER. He or she must ensure that all managers and supervisors carry out their responsibilities for effective program management within the framework of Federal and Department of the Navy policies and procedures.

3. **SIGNATURE AUTHORITY**

a. Records and reports. The RECEIVER hereby delegates authority to the DPC to prepare and forward on behalf of the RECEIVER all required reports.

b. Scheduling of random samples. The DPC is authorized to schedule random samplings for TDP employees of the RECEIVER.

c. (Other desired services).

4. **INSTRUCTIONS**

a. SECNAVINST 12792.3, CPI 792-3 and OPNAVINST 5355.4 set Navy policy for the administration of the drug-free workplace program (DFWP). The DPC will implement these policies locally by publishing instructions and procedures which will be provided to the RECEIVER. The instructions will be updated as changes occur, with non-obligatory items being provided to the RECEIVER for comments and/or recommended changes prior to publication.

b. Any required delegation of authority within the RECEIVER will be made by letter, notice, or instruction, with a copy provided to the DPC.

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5. FACILITIES. The SUPPLIER will provide and maintain facilities with necessary office equipment, services, and supplies for the operation of the DFWP.

6. STAFF. The SUPPLIER will provide the staff for the DFWP.

7. EFFECTIVE DATE. This Agreement becomes effective upon signature of the SUPPLIER and the RECEIVER.

(Signature) (Date)
Commanding Officer/Activity Hd
SUPPLIER

(Signature) (Date)
Commanding Officer/Act Hd
RECEIVER

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SAMPLE ACTIVITY INSTRUCTION

From: Commanding Officer, xxxxxxxx

Subj: ACTIVITY xxxx DRUG-FREE WORKPLACE PROGRAM (DFWP)

Encl: (1) OPNAVINST 5355.4

1. **Purpose.** To prescribe activity xxxx procedures necessary to implement the requirements of enclosure (1).

2. **Background.** The basic requirements for a Federal drug-free workplace were established by Executive Order 12564 and Public Law 100-71. Within the Chief of Naval Operations, the DFWP will be standardized to the greatest degree possible by following the guidance in enclosure (1). This instruction identifies those requirements which must be determined locally and specifies how they will apply at activity xxxx.

3. **Required Actions**

a. Employees not identified by other means as subject to testing under this program may volunteer to be included in the program by submitting a written request to the activity Drug Program Coordinator (DPC). A written acknowledgement as prescribed in Appendix G will be returned to such voluntary applicants.

b. Unit heads and above are authorized to request reasonable suspicion or accident/unsafe practice testing in accordance with Chapter IV. Such requests must be approved by Directorate heads or their designees.

c. The threshold for determining whether accident or unsafe practice testing is required will be based on xxxxx

d. Individuals tentatively selected for positions identified as testing designated positions (TDPs) who test positive for illegal drugs will be barred from placement consideration of any kind for positions at any CNO command or activity for a period of 6 months from the date of the positive drug test. Records of positive results will be maintained by the CNO DPC and CCPO xxxx will be required to obtain a clearance prior to making a final offer of employment.

e. The DPC is authorized to approve up to 1 hour of overtime pay to complete collection procedures for employees who experience problems in providing a sample. Up to 4 hours of overtime pay may be approved to complete collection procedures in the case of a reasonable suspicion or accident/unsafe practice test.

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**SAMPLE NOTICE REGARDING APPLICATION FOR SAFE HARBOR UNDER
THE DEPARTMENT OF THE NAVY DRUG-FREE WORKPLACE PROGRAM**

From: Commanding Officer, (name of activity/command)

To: All Civilian Appropriated Fund Employees

Subj: NOTICE REGARDING APPLICATION FOR SAFE HARBOR UNDER THE
DEPARTMENT OF THE NAVY DRUG-FREE WORKPLACE PROGRAM

Ref: (a) SECNAV letter of 6 Aug 1988, "General Notice of
Implementation of Drug Testing Under Department of the
Navy Drug-Free Workplace Program"

1. Reference (a), a copy of which has been provided to all Navy employees, describes the operation of the Navy's Drug-Free Workplace Program (DFWP). Paragraph 8 of that letter describes the operation of a feature known as "safe harbor", under which an employee may voluntarily identify himself or herself as a user of illegal drugs, prior to being so identified by other means, and see counseling or rehabilitation assistance without being subject to disciplinary action for prior drug use.

2. An employee who requests safe harbor under the provisions of this program must be aware that he or she may be relieved from performing sensitive duties. Further, the security officer will be advised of the safe harbor request and this information may then be used to determine whether the employee will retain his or her security clearance. This review could lead to the revocation of the security clearance and removal from the service for failure to meet a condition of employment, i.e., maintaining a security clearance.

3. This does not affect the ongoing operation of the Civilian Employee Assistance Program (CEAP), under which employees may seek rehabilitation assistance for drug abuse problems and be assured that such information will not be released to activity management officials.

REQUEST FOR SAFE HARBOR

From: Name of Requestor
To: Activity Head/Commander
Via: (1) Immediate Supervisor
(2) Activity DPC

Subj: REQUEST FOR SAFE HARBOR

1. I voluntarily identify myself as an illegal user of drugs and I request safe harbor under the provisions of the Department of Navy Drug-Free Workplace Program. I understand this means I will not be subject to disciplinary action during my rehabilitation period but that if I occupy a sensitive position, I will not be permitted to continue performing those duties. I further understand this could cause loss of security clearance and possible removal from employment. I voluntarily agree to the following conditions:

- a. To obtain counseling and rehabilitation through the Civilian Employee Assistance Program (CEAP);
- b. To be tested by the activity/command as part of and as a follow-up to counseling and rehabilitation;
- c. To the release to appropriate management and CEAP officials of all counseling and rehabilitation records related to my illegal use of drugs; and
- d. To refrain from any subsequent illegal use of drugs.

(Signature)

(Date)

OPNAVINST 5355.4

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From: Activity Head/Commander
To: Name of Requestor
Via: (1) Activity DPC
(2) Immediate Supervisor

Subj: REQUEST FOR SAFE HARBOR

I acknowledge your request for safe harbor and your agreement to the conditions that are required. Your supervisor will arrange with you the scheduling of your first appointment with the Civilian Employee Assistance Program Administrator.

(Signature of Activity Head/Commander)

(Date)

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RANDOM DRUG TESTING PROGRAM**CHECKLIST FOR SUPERVISORS**

The following procedures will be followed in notifying an employee of the collection process:

1. Approximately 15-30 minutes prior to the actual collection, or the minimum time necessary for the employee to travel to the collection site (generally no more than 60 minutes), inform the employee orally and privately that he or she has been identified through a random selection process for drug testing by urinalysis. Assure the individual that such selection in no way reflects that there is any specific reason to suspect the usage of illegal drugs.
2. Inform the employee of the time and exact location to report for testing and instruct him or her to take photo identification. Verify that he or she possesses such identification.
3. Provide the Checklist for Employees, which offers helpful information about the collection process.
4. Employees normally will be scheduled to report to the collection site at 30-minute intervals. Any scheduling changes which you feel are necessary to maintain operations at your work site must be coordinated with your supervisor and the DPC/CSC. Do not make any unilateral changes.
5. When an employee selected for random testing is unavailable for legitimate reason (e.g., working a different shift, travel, leave), you must inform the DPC/CSC. With higher level concurrence, you may request a deferral of the test.
6. Immediately report any problems encountered during employee notification to the DPC/CSC. Employees who fail to cooperate with the collection procedures will be subject to disciplinary action consistent with Department of the Navy regulations. (You may obtain guidance from your servicing personnel office in these instances). If you have any questions or concerns, you should contact the Drug Program Coordinator.
7. Be prepared to consult with the DPC on short notice in the event the employee exhibits unusual behavior at the collection facility and a determination is necessary that an observed collection, under the reasonable suspicion test procedures, should be conducted.

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RANDOM DRUG TESTING PROGRAMCHECKLIST FOR EMPLOYEES

1. You will be participating in the Department of the Navy Drug-Free Workplace Program designed to support a drug-free federal workforce. Your random selection for drug testing by urinalysis in no way reflects that there is any specific cause to suspect the usage of illegal drugs. Failure to cooperate with the collection procedures will be subject to disciplinary action consistent with DON regulations. The following set of instructions has been developed to ensure that uniform and accurate collection procedures are followed with each individual participating in the program.

a. You are expected to arrive at the collection site at the scheduled time.

b. Collection site personnel will ask you to verify your social security number and provide a photo ID such as a driver's license or agency badge. You will be asked to verify your social security number and provide your initials/ signatures at several stages throughout the collection process. These precautions are for your protection and will help ensure that all specimens are labeled correctly.

c. You will be asked to remove any outer garments, e.g., coat, jacket, coveralls. All personal belongings (e.g., purse, briefcase) must remain with your outer garment(s). You may retain your wallet.

d. When instructed by the observer, wash and dry your hands.

e. Collection site personnel will provide you with a specimen collection container and advise you not to flush the toilet.

f. You will provide the specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy. It will be necessary for you to provide a specimen of at least 60 milliliters. If you are unable to provide a sufficient quantity of urine, you will be asked to drink sufficient fluids to facilitate urination. You will remain at the collection site in the presence of an authorized individual until the sample is provided.

g. If a "catch container" is used, the specimen must be transferred by you to a sealable shipping bottle. This process will be observed.

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h. The observer will place the bottle cap and the identification label securely on the specimen bottle. Tamper-proof tape will be placed over the bottle cap and down the sides. You will initial the label on the specimen bottle. You should closely observe the entire process to ensure the integrity of the collection.

i. After the bottle is sealed and labeled, you may wash your hands.

j. You will be asked to certify that the specimen collected is yours.

k. You may direct any questions to your supervisor, the activity Drug Program Coordinator, or the Collection Site Coordinator.

l. You will be advised of the results of the drug testing by the DPC.

30 NOV 1983

MEMORANDUM

From: (Requesting employee)
To: DPC
Via: (1) 1st line supervisor
(2) 2nd line supervisor (optional)

Subj: REQUEST FOR VOLUNTARY DRUG TESTING

1. I voluntarily request to be included in the pool of Testing Designated Positions (TDP) subject to random testing. This decision has been made without any management coercion or pressure. I understand I will be subject to the same conditions and procedures as an employee in a TDP. I also understand I may withdraw from inclusion in the random testing pool at any time upon submission of a written statement.

2. The following information is provided in support of this request:

- a. NAME: _____
- b. SOCIAL SECURITY NUMBER: _____
- c. GENDER: ____M ____F
- d. POSITION TITLE: _____
- SERIES: _____
- GRADE: _____
- e. ORGANIZATION: _____
- f. DUTY STATION: _____

EMPLOYEE SIGNATURE

DATE

30 NOV 1989

MEMORANDUM

From: DPC

To: (Employee's Name)

Subj: ACKNOWLEDGEMENT OF REQUEST FOR VOLUNTARY DRUG TESTING

Ref: (a) CPI 12792.3
(b) OPNAVINST 5355.4

1. This will acknowledge your written request to volunteer for agency drug testing. Pursuant to Executive Order 12564, "Drug-Free Federal Workplace," the Department of the Navy has initiated a comprehensive program to achieve the goal of a drug-free workplace. This program is set forth in references (a) and (b).

2. As a result of your request, you will be included in the pool of testing designated positions subject to random testing. You will remain in the pool until you withdraw from participation, which you may do at any time, even after being notified of an impending random drug test, by returning a copy of this acknowledgement with a statement that you wish to withdraw from the program and the effective date.

3. Drug testing is being performed through urinalysis by the Navy's certified forensic toxicology drug testing laboratory. The testing methodology reflects the scientific and technical procedures necessary to assure the results are highly reliable and accurate. The certification process provides for strict quality control procedures. These procedures will include an initial screen of the urine sample you provide for drugs and, if appropriate, a confirmation test by gas chromatography/mass spectrometry.

4. To assure that the sample collected from you is not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the specimen. The total of these procedures is known as the chain of custody. The test results from your sample will be handled with maximum respect for individual confidentiality consistent with safety and security. Any confirmed positive test result reported by the laboratory will be reviewed by a Medical Review Officer (MRO) before a determination is made that an employee has used illegal drugs. You will be given an opportunity to justify the results by submitting medical records and/or a valid prescription.

5. If it is determined that you are using illegal drugs on or off-duty by means of this drug test or any other means, you will be provided the opportunity to use the services of the Civilian Employee Assistance Program. Through this program, you may

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receive counseling and learn about the availability of rehabilitation.

6. You will be subject to the same conditions and procedures as an employee in a Testing Designated Position (TDP) as described in references (a) and (b). If a determination is made that you are using illegal drugs, you will be subject to unannounced follow-up testing for a period of 1 year after you complete a rehabilitation program. Refusal to enter or successfully complete a rehabilitation program will be grounds for removal from the Federal service. If you test positive a second time as a result of any subsequent drug test or a second determination of illegal drug use by you is made, you also will be subject to removal.

7. Sign and return one copy of this notice to the DPC no later than 10 working days of receipt. Failure to do so will be viewed as a withdrawal of the request.

8. If you have other questions, please contact the undersigned.

(Drug Program Coordinator)

MEMORANDUM

From: Requesting Employee

To: Activity DPC

Subj: Same as Above

I hereby acknowledge receipt of this notice and agree to the conditions stated therein.

Signature of Employee Date

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DOCUMENTATION IN SUPPORT OF
DRUG-RELATED INCIDENT

Date _____

Employee Name: _____ SSN _____

Organization: _____

Date of incident: _____

Time of incident: _____

Type of testing (check one): ☐ Reasonable suspicion
☐ Accident/Unsafe Practice

Description of the incident leading to the request: (Be specific, e.g., for reasonable suspicion, arrest or conviction of an on- or off-duty drug-related offense; direct observation of an employee using illegal drugs; direct observation of an employee tampering with his/her urine specimen; temperature of urine sample outside the normal range; for accident/unsafe practice, type of property destroyed and its value, if relevant, injuries or fatalities, etc.)

Individuals witnessing the incident: (Be specific, use name, title, organization, relationship to person being tested, e.g., co-worker, police officer, spouse, etc., of individual providing information on a drug-related incident.)

Name

Organization

OPNAVINST 5355.4

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Any other pertinent facts or attachments (list):
Enclosure:

Documented by:

Name (print): _____

Title (print): _____

Signature: _____

Date: _____

I have reviewed the above details and facts supporting an
incident of suspected illegal drug use relevant to the requested
test and concur/nonconcur.

Signature, approving official Date

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SAMPLE NOTICE - REASONABLE SUSPICION TEST

MEMORANDUM

From: (Supervisor or Management Official)
To:

Subj: NOTICE OF REASONABLE SUSPICION TESTING FOR ILLEGAL DRUG
USE

1. The Department of the Navy has initiated a comprehensive program to achieve the goal of a drug-free workplace. This program is set forth in SECNAVINST 12792.3, Office of Civilian Personnel Management Instruction 12792.3 which enclosed the Civilian Personnel Instruction (CPI) 792.3, Chief of Naval Operations (OPNAVINST) 5355.4, and (local instruction).

2. It has been determined that sufficient grounds exist to authorize collection of a urine sample from you on the basis of reasonable suspicion. This drug test is required since management has formed a reasonable suspicion that you are using illegal drugs. Collection procedures under reasonable suspicion testing will require you to provide a specimen under direct observation.

(NOTE: The supervisor or management official must provide a separate statement -- see sample in Appendix H, above -- circumstances which formed the basis for the decision to conduct reasonable suspicion drug testing.)

3. Drug testing for Department of the Navy civilian employees is performed through urinalysis done by a Navy Drug Screening Laboratory. The testing methodology complies with Guidelines issued by the Department of Health and Human Services and reflects the scientific and technical procedures necessary to ensure that the results are highly reliable and accurate. These procedures will include an initial screening of the urine sample you provide for the presence of illegal drugs and, if appropriate, a confirmation test by gas chromatography/mass spectrometry.

4. To ensure that the sample collected from you is not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the sample. These procedures are known as the chain of custody. The test results from your sample will be handled with maximum respect for individual confidentiality consistent with safety and security. A confirmed positive test result reported by the laboratory will be reviewed by a Medical Review Officer (MRO) before a determination is made that you have used illegal drugs. MROs are licensed

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physicians with experience in substance abuse disorders. You will be given an opportunity to submit medical documentation to the MRO to establish your legitimate use of the specific drug(s) detected by testing before any administrative action is taken.

5. If it is determined that you are using illegal drugs by means of this drug test or other means, you will be referred to the (activity/command name) Civilian Employee Assistance Program (CEAP). Through this program, you will receive counseling and learn about the availability of sources of treatment and rehabilitation assistance. Information concerning the CEAP may be obtained from your immediate supervisor or by contacting the CEAP (provide name, address, telephone number).

6. If you are employed in a sensitive position, as defined in CPI 792.3, and illegal drug use is detected, you will be immediately taken out of your position by detail, reassignment or other personnel action. You may be returned to your sensitive position by (activity head/commander), at the completion of or as part of your successful participation in a rehabilitation or counseling program. In addition, disciplinary action up to and including removal from the federal service will be initiated if you refuse to submit to this drug test. A removal action will be initiated if you refuse to obtain counseling or rehabilitation through the CEAP after being found to use illegal drugs or for a second finding of illegal use.

7. If you have other questions please contact (provide name), the Drug Program Coordinator.

Immediate Supervisor

Second/Higher Level Supervisor

Copy to:
DPC

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SAMPLE NOTICE - ACCIDENT/UNSAFE PRACTICE TEST

MEMORANDUM

From: (Supervisor or Management Official)
To:

Subj: NOTICE OF POST ACCIDENT/UNSAFE PRACTICE TESTING FOR
ILLEGAL DRUG USE

1. The Department of the Navy has initiated a comprehensive program to achieve the goal of a drug-free workplace. This program is set forth in SECNAVINST 12792.3, Office of Civilian Personnel Management Instruction 12792.3 which enclosed the Civilian Personnel Instruction (CPI) 792.3, Chief of Naval Operations (OPNAVINST) 5355.4, and (local instruction).
2. It has been determined that sufficient grounds exist to authorize collection of a urine sample from you based on your involvement in (brief description of accident of unsafe practice) - see Appendix H.
3. Drug testing for Department of the Navy civilian employees is performed through urinalysis done by a Navy Drug Screening Laboratory. The testing methodology complies with Guidelines issued by the Department of Health and Human Services and reflects the scientific and technical procedures necessary to ensure that the results are highly reliable and accurate. These procedures will include an initial screening of the urine sample you provide for the presence of illegal drugs and, if appropriate, a confirmation test by gas chromatography/mass spectrometry.
4. To ensure that the sample collected from you is not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the sample. These procedures are known as the chain of custody. The test results from your sample will be handled with maximum respect for individual confidentiality consistent with safety and security. A confirmed positive test result reported by the laboratory will be reviewed by a Medical Review Officer (MRO) before a determination is made that you have used illegal drugs. MROs are licensed physicians with experience in substance abuse disorders. You will be given an opportunity to submit medical documentation to the MRO to establish your legitimate use of the specific drug(s) detected by testing before any administrative action is taken.
5. If it is determined that you are using illegal drugs by means of this drug test or any other means, you will be referred to the (activity/command name) Civilian Employee Assistance Program

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(CEAP). Through this program, you will receive counseling and learn about the availability of sources of treatment and rehabilitation assistance. Information concerning the CEAP may be obtained from your immediate supervisor or by contacting the CEAP (providing name, address, telephone number).

6. If you are employed in a sensitive position, as defined in CPI 792-3, and illegal drug use is detected, you will be immediately taken out of your position by detail, reassignment or other personnel action. You may be returned to your sensitive position by (activity head/commander), at the completion of or as part of your successful participation in a rehabilitation or counseling program. In addition, disciplinary action up to and including removal from the federal service will be initiated. A removal action will be initiated if you refuse to obtain counseling or rehabilitation through the CEAP after being found to use illegal drugs or for a second finding of illegal use.

7. If you have other questions please contact (provide name), the Drug Program Coordinator.

Immediate Supervisor

Second/Higher Level Official

Copy to:
DPC